

MINUTES OF A HEARING HELD ON TUESDAY, SEPTEMBER 13, 2011 REGARDING DOCUMENT # 68, A SPECIAL PERMIT APPLICATION FROM FLORIDA TOWER PARTNERS TO ALLOW CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY IN THE WATERSHED PROTECTION OVERLAY DISTRICT ON 75 WILLOW AVENUE, MAP 768, BLOCK. 780, LOT 50A.

SUBJECT: Document #68 – A Special Permit application from Florida Towers Partners to construct a wireless communications facility in the watershed protection overlay district on 75 Willow Ave, Map 768, Bl. 780, Lot 50A.

Present: Council President Michael J. Hart, Robert Scatamacchia, William Ryan, Michael Young, David E. Hall, Colin LePage, Mary Ellen Daly O'Brien, Sven Amirian and William Macek.

City Clerk Margaret Toomey: An Application has been received for a special permit from Florida Tower Partners to allow construction of a Wireless Communication Facility (140 feet) in the Watershed Protection District on 75 Willow Avenue. A conditional favorable recommendation from the Planning Board and a recommendation to approve the special permit has been received from William Pillsbury, Planning Director.

President Hart: Hearing opened.

Good evening, my name is Jackie Slager, I will be representing Florida Towers, the applicant in the matter before you tonight. Florida Towers has their principle place of business at 1001 Third Avenue in Brandon, Florida. We are here tonight seeking a special permit to allow the construction of a 140' telecommunications tower and associated equipment within the Watershed District on a property located at 75 Willow Avenue, Map 768, Block 780, Lot 50A in the special conservation zoning district. The proposed facility will include the construction of a monopole style tower which will be mounted on a concrete foundation although I will say the final design for the foundation has not been determined and will only be determined once we have completed a geotechnical study. Foundations for this type of facility are typically case on or pad on pier and are fairly minimal. Whether it's a case on or pad on pier, the proposed installation will not significantly alter the ground water flow characteristics in the area. The facility will further be secured by a 40x40 chain link fence and associated equipment will be located inside on above grade concrete pads. The proposed access road and compound will consist of gravel and stowewault over native materials. The site has been designed to be consistent with the existing natural topography of the site to minimize impact to the current stormwater flow that naturally occurs on the site. In fact the only proposed change, other than the development of the compound for this facility, is a slight deviation of the existing access road to avoid, so that we are setback from wetlands and not impacting wetlands on the site. Other than that the construction is really following existing contours and pathways on the site today. Once constructed the facility is passive in nature. It will only generate one to two vehicle trips and these are normal sized utility vehicles monthly for maintenance checks. The facility will not require water, septic or other sanitation services. The site will not generate any noise, odor or glare into the area. The only utilities required for the site are standard 120 volt electrical power as well as telephone service. There will be no chemicals or hazardous materials stored at this site or located at the site with the exception of a sealed acid containing battery which will be located inside the equipment cabinets. That's for backup power and they would provide power to the site in the event of a short-term power outage for about seven or eight hours. The facility has already been approved through a very lengthy and comprehensive review process with the Zoning Board of Appeals and was approved in October of 2010. As was indicated, the site was approved by the Planning Board at their August 10th with conditions. We have reviewed those conditions and are happy to comply with them. Once approved by the City Council we will resume the site plan review process which we had already begun, which involves city interdepartmental review of the proposed facility and the building permit would be the final permit that we would apply for and seek to obtain. This has been an ongoing project now going on for two years.

Many of the departments have had an opportunity to review the proposal. I think as the report from William Pillsbury indicated, none of the departments have indicated any great concern with the proposed project. In fact we do also have tonight a representative from Haverhill's Police Department. The Police Department will be locating here. They have tentatively come to terms with Florida Towers to locate city communication emergency equipment at the proposed site. It's my understanding this is an important site for them. They'll be free of charge and there will be other financial benefits to the City as well as part of that agreement. In conclusion, we feel the site is appropriate and consistent with the intent and purpose of the Watershed Protection District. The proposed site given its nature and proposed footprint, will have minimal impact on existing or historical or even future sources of water in the area. This type of development is therefore consistent with the purpose and it will not impact those resources. I had in fact, prior to filing this application, met with William Pillsbury to review our proposal and he even indicated that the nature of the project and the minimal footprint of the project would make sense that it would be able to qualify for some type of exemption from this type of permitting because of the fact it really won't result in an impact to the watershed. Unfortunately, the way the Watershed Bylaw is written today there is no such waiver so we are here before you tonight seeking approval. We do have a representative from the Police Department who would like to speak on the proposed subject. That concludes our presentation. If you have any questions. Thank you.

Officer Scott Ziminski from Haverhill Police Department: I want to say about two years ago I started as a Project Manager for a communications/dispatch upgrade project which took about a year, year and a half to properly propagate and complete. We took a communications system which was an analog system went to a digital system which brought us not only up to areas where large departments, Boston, some larger New Hampshire departments utilized digital communications. We actually far surpassed that and went to digital communications and then went encrypted. In the Department of Defense level 5 encryption no one can hear us which is not a bad thing. Our response time has improved as well as the bad guys don't know when we are coming or what are responses are going to be. As part of that upgrade project we took some existing sites which were Observatory Ave, which is our primary site, Golden Hill which is a back-up site, Rocks Village, Ayers Village and the police station itself. Those were all sites which had been at the time some were both send and receive. Some were receive only. We brought that up to speed and made it a closed loop so each site is a send and receive. The officers can hear everybody better, hear each other better; communicate with dispatch much better. One of the areas that we did find, we did have some problems, when you go to digital it's a stronger signal but it has trouble reaching out of areas that are concrete buildings. So if you look at some of the industrial buildings down in Ward Hill we would have problems getting out because you have to fight through the concrete to get that RF signal through as well as try to hit a tower which is potentially across the City. You may be going all the way from Ward Hill, the Ward Hill Connector all the way to Observatory Ave. which is our main site. We wanted to try to find some way to beef up that area. We looked at several tower sites one being Masys Way which we found was beneficial to us as well as this Willow Ave site. RAD Motorola, which is the company that we utilize for our equipment, not the vendor that does the installs, but the actual equipment manufacturer and their engineers come out and do what's called the propagation study. The propagation study is they take all of our sites, the longitude and the latitude. They take our portable radios, which is not as strong as the mobile radios in our cruisers as well as our dispatch radios and they basically find out where you are going to have coverage; where you are not going to have coverage, what's lacking. One of the areas we wanted to beef up was Bradford. We don't really have a problem as yet but the more and more that the industry grows down in the Ward Hill area we may potentially have a problem getting out of a building. We want to have as much advantage to getting out of those buildings as possible. So we needed a tower that was closer. In that site you will talk about having improvements. If we were allowed to, and through negotiations we worked it out, go onto the top of that site on Willow Ave. it's a proverbial home run. The hill is so high and you have another 140 feet on top of that. Our signal not only clears this for all of Bradford but fills in some of the gaps or questionable areas we might have had in the Rocks Village area and Ayers Village. For us not to have that, that is something that would be vital to our communications.

I'd hope you would give consideration. It's not just us. It's public safety in general. Give us consideration in forwarding this because it would be beneficial to not only public safety but to the City and the community.

President: Is there anyone else here wishing to speak in favor of this petition? There was no one.

President: Is there anyone here wishes to speak in opposition to this petition? There was no one.

President: Declared the public hearing closed.

On motion to approve by Councillor Hall with second from Councillor Daly O'Brien.

Councillor Macek: In going through the materials provided to us, I have some questions. I am not sure that can be satisfactorily answered tonight because there are some conditions and also some questions that I believe should be answered before we vote on this. Unfortunately, we don't have anybody from the City to answer the one question. You may be able to answer it. I am concerned whether this will need to go through a definitive plan stage in which our department heads will be able to tailor their concerns that have been addressed to us.

Ms. Slager: Like I said, once it's through this process, we would have to resume our site plan review process which involves the application or the plans going to all the department heads for their review.

Co. Macek: For their review or for their ultimate authority and approval?

Ms. Slager: They have to review. They have to approve it. That has not been completed.

Co. Macek: So every department will have to sign off on final plans.

Ms. Slager: Correct. We can not proceed to building permit without that.

Co. Macek: Some of the areas that I would like to just make note that I need to make sure in this process are covered in speaking with Rob Moore regarding erosion and stabilization of the access road in particular. I'd like to make sure that the, and this is all because of the concerns for the watershed areas and because of the hilly terrain and sloping and where you could have a lot of erosion and depending on the type of weather that you are experiencing. He suggested to me that we condition this special permit approval to also include an erosion and stabilization agreement. That would be something, we don't have the exact text of what it would be; need to have the approval of the Conservation Department.

Ms. Slager: Rob Moore, in addition to overseeing Conservation, I don't know if he oversees it, he's definitely one of the principles I work with in the site plan review process. I know he was kind of waiting for this to play out before he did his final review in case there was any other changes that were going to take place so that when he did his review it was based on the final design. I have been working very closely with Mr. Moore on this over the past several months. We would have no problem with an erosion mitigation plan.

Co. Macek: The other thing that I would like to have the agreement or separate agreement that actually identifies who the responsible party would be if there was any need for maintenance repair or even necessary modification due to the initial design not working out and that there be some type of indemnification for the city against either the mobile operator/property owner whoever wants to take that responsibility but I think that's something we should ask you to provide.

Ms. Slager: Ya, I would say generally the applicant would be responsible for maintenance and issues that arose out of the operation, occupancy of the site, I would agree.

Co. Macek: There are also conditions stated in a letter of July 26, 2011 from Paul Jessel, Water/Wastewater. I would like to have those conditions made part of the approval along with the conditions stated in the letter of July 18, 2011 from Rob Moore our Environmental Health Technician and also the conditions as stated in the January 13, 2011 letter which came from our City Engineer John Pettis. They are not huge conditions. I'm sure you're even aware of them because these letters, based on the dates, have been around for your review. Ms. Slager – right. Co. Macek – I just want to make sure that we condition with those conditions. The only other question might require an opinion from our City Solicitor, it specially says in section E, of our City ordinance, under E, Environmental Standards, it's on page 8, it says "Wireless service facilities shall not be located in wetland resource areas locating a wireless facility in a wetland buffer area shall avoided whenever possible" and it goes on from there. I'd just like to know what the designated type of area we are dealing with here. Our ordinance specifically says if it's a wetland resource area it's not suppose to be there.

Ms. Slager: Right. The compound location, the location of the monopole and the 40x40 fenced area with the associated equipment, is located outside of a wetland resource area and it's located well outside of a buffer area. What we learned in reviewing this with various department heads and in this case in particular, Rob Moore, was that the existing access road that comes in off of Willow as its located now actually does fall within a wetland buffer area. What we are actually proposing and you'll see that on the plan submitted tonight or with this application, that we are kind of deviating the road slightly so that we avoid being in a wetland buffer area. I have sent those plans to Mr. Moore for his review. He won't commit completely but obviously as I said earlier, this has to go through site plan review and part of the review will be his review. We believe we have avoided the wetlands. We believe with our revised design we've even avoided the wetland buffers but if Mr. Moore may disagree we can even make slight adjustments to make sure we are not impacting those resources.

Co. Macek: When you reference that plan, just for the record, you are not building in the Federal Agriculture Preserve Area. You are just on the border of it, correct?

Ms. Slager: Right, correct.

Co. Macek: Could you just for the record and for my clarification, this plan started as a request from T Mobile. Can you explain the chain of events and how we are dealing with your company?

Ms. Slager: I'll do my best. Initially, this started out as an area where T Mobile had identified an area where they need coverage for their network. To that end, T Mobile came out to the area, did research on the ground and identified this site as being the most appropriate site to develop a wireless communications facility. Once he had secured a lease with the landlord, T Mobile then proceeded to file an application with the Zoning Board of Appeals which oversees the use and dimensional aspects of the facility. We filed our application and after several hearings and much back and forth the Zoning Board approved the application. As you've heard tonight, one of the things that came up during the Zoning Board review was that the City had an interest in locating here. In order to make that happen, we engaged a tower building company, Florida Towers, to basically take over the management of this site so that they could come to terms with the City in terms of locating their equipment at this site and the other deals that went along with that. Once the Zoning Board approved it, the site was assigned. The way it works, T-Mobile enters into a lease. So they have a long-term lease with the ground landlord. So at the end of the ZBA realizing that we wanted to work with the City, realizing that we needed a third party to accomplish that goal, we assigned the site to Florida Towers and then Florida Towers is finishing up the permitting work for the site. There will be the owners, the operators of the site. T-Mobile will be an anchor tenant.

They will be one of the tenants at the site. They're still on the plans. Their antennas are shown and their equipment at the base is shown. They will become a sub-tenant to Florida Towers as will hopefully, other carriers.

Co. Macek: Do you represent Florida Towers or do you represent T-Mobile?

Ms. Slager: I started out doing both. I started with T-Mobile and then just to maintain some type of consistency, I agreed to finish it out with Florida Towers on this side. So there would be some consistency in the record.

Co. Macek: But the ownership of the lease will be Florida Towers? Ms. Slager – correct. Co. Macek – and you have done all the formal assignments of all agreements? Ms. Slager – yes.

Co. Macek: Mr. President at the appropriate time I would like to ask my colleagues support of the conditions that I mentioned.

Co. Hall: Officer Ziminski, could I just ask you a couple of questions? In regards to this, is the Fire Department going to have access to this?

Officer: Ya, now that we are public safety in general, yes. Co. Hall: This is all going to be one connection? Officer – yes. Co. Hall – Is that going to have any affect on Trinity? Officer – No. They are a whole separate communications system. Right now, Police Department has their own communications system. Fire Department has there's. We have not started trying to deal with the fire side of it yet. That will probably fall into my realm. That probably will happen at some point in time. But where we all considered having tower space, such as Masys Way, they were going to go with us or at the appropriate time when we can pull this all together they will go with us. Some of the upgrades that we had at Rocks and Ayers, specifically Rocks, when we moved our communications antennas there's moved as well. We are trying to work hand in hand and as time goes on we'll pull them more into the fold to try to develop a co-mingling of both fire and police side. Co. Hall – My other question is as it stands now, if my information is right, and I don't think it's changed in forty years, that the police has their own communications and fire. Officer – that's correct. Co. Hall – do you think that as a result of this new tower, have access to it, this is going to be a joint venture hopefully. What I am trying to get at, maybe this might be a money saver for the Police Department and the City because we can join communications from fire and police. Officer – that's correct. I know that at this point I have only looked at our side of it. Our equipment costs and what not, but where we are signed like a zero dollar lease with them, we have our space at the top but an extra antenna and wiring is not a big deal to put them side by side or the appropriate distance apart be it 4 feet, 5 feet, 10 feet depending on what the communications companies require for an adequate signal to be processed for both fire side and police side. It's not something that, we look at public safety as a joint venture and like a said, because of the changes that have gone on administratively between police and fire, that will probably come at some point in time more into my realm where we will look at equipment for them be it we pay for it, they pay for it; however it may be. But there will be adequate space on the top of that tower if they want to come aboard. Co. Hall – Do you think that any time EMS ambulance will be entitled to this? Officer – I'm sure they will be because at Rocks Village there are four antennas up there. What we did at Golden Hill, which I know we haven't discussed this, Golden Hill, NEMLAC and BAYPURN is an organization that is a state-wide emergency management organization. They are multi-faceted and multi-community. What we were able to do with our communication company is as well as giving them space at Golden Hill School, we had a certain amount of space that was dedicated to fire, also dedicated to police. We were able to go on a piece of equipment called a combiner. What that does is it frees up some antenna equipment. As part of working with the school system, that frees up an antenna. We can't use it. Fire already has their own. We are on the combiner which actually has a larger antenna. We worked it thru our communications vendor to allow

the school system to go onto that old antenna system and wiring system and receiver. That will help upgrade their communications systems that they have thru goodwill. If Trinity could come up with the funding for equipment let's try to work with out. We are not opposed to anything like that. It's just a matter of whether logically, financially they can afford to do that. Co. Hall – A couple of other questions. Homeland security, I know they are big in communications. I'm sure if anybody had knowledge about grants available you'd be the guy. Is there any grants available? Officer – I know that Lt. Pistone works with the grants as well, the Chief as well. I know he is always busy trying to work with the grants; try to locate money for communications and I know the last project that we did it was quite an expensive project. A lot of that money came thru different grants. It came across my desk. It was not initiated by me, mostly the Chief or Lt. Pistone but I did see the end results of the equipment we were able to buy. Otherwise there's no way with the total cost of that equipment that we ever would have been able to afford it on the City budget. Co. Hall – Sunday I had the opportunity to talk to Congresswoman Tsongas and she's a big one for public safety. If my figures are correct, she got over \$600,000 worth of equipment for your communications project. Officer – Ya, our total project was up around \$800,000 and something thousand. I know when we did our opening she was down there and we were able to show her what our communications systems would do. I kept record, pictures, video as well as what we did thru the process. It was a big upgrade. It was a very large upgrade especially with that encryption portion of it. That was a very necessary thing to have in our back pocket. Co. Hall – My last question is, I don't know if you know this, this is costing the City of Haverhill zero money. Officer – That's correct at least as far as Florida Towers, just as well Masys Way is zero lease. Co. Hall – I don't know if you can answer this or the young attorney, if Haverhill had to pay for this to be erected on the top of that tower, any idea money wise? Officer – Hundreds of thousands. Our equipment alone I think is \$107,000 that's just for the equipment minus the installation and the tower guys and running the generators and back up battery systems and the equipment itself it runs into hundreds of thousands. That's why when you do a full upgrade project, without help, grants any other type of fiscal funding communities can't afford to do it. That's way a lot of departments and a lot of towns just don't do it. They run on the old equipment and they suffer the consequences of that. Co. Hall – You know I am dating myself, when I was on the job, if we got two miles out of the city there's no communications. Officer – With our digital system, even though we may have trouble getting out with RF signals we can reach Amesbury. Sometimes in New Hampshire we can hear it, as well as that BAYPURN system. We integrated our communications. We also have VHS systems we can talk to neighboring communities, Salem, Atkinson, Plaistow. We just turn the dial, go to Atkinson, pick the mike and talk into it and they will receive and get back to us in case we have a chase. In case you have some crime which is multi-jurisdictional, Methuen, Lawrence, Lowell, it's probably thirty cities or towns that we now have communication capability with. Co. Hall – Is NEMLAC included in this? Officer – yes. We have NEMLAC responders. BAYPURN is also a state organization that basically we worked with to set up our communications so that we can have that capability. Every officer in the state we can talk to. If you go on a scene that is multi-jurisdictional, you can all go to channel 5 and talk to each other even though you are from different departments. It's not a system that probably used to have in the olden days where you had to call on the phone to talk to a responding agency from another town. It's not like that anymore.

Councillor Hall to Attorney Slager: I know you are here tonight. Our only issue is the watershed protection act. With all the recommendations from Planning and the Board of Appeals, when they had these meetings, I'm shocked with I read the minutes of the meetings that there was no opposition whatever. Not one person from that area got up and spoke in opposition to this tower.

Ms. Slager: We had opposition at the Zoning Board of Appeals.

Co. Hall: There was? Because it wasn't noted here.

Attorney Slager: There were several hearings at the Zoning Board of Appeals. I think there were like four hearings. They didn't come to all four hearings every single time. Typically someone who comes to these things, they come to the first one, they make their statement, they don't always show up for the second, third and fourth. But we had have I would say a half a dozen people speak in opposition at the Zoning Board. Mostly it had to do with visibility impacts. I will say, I wish I could remember his name, one of the members of the Zoning Board actually had a re-do the visibility fly because when we had initially done the fly, we use a weather balloon. The company that had done it for us didn't do it in the exact location, because if you've been to the exact location you know you're in the middle of the woods. It's challenging to get a balloon thru the middle of the woods. Balloons pop. It's not the easiest way to go about it. So what they had done was they flew the balloon in the adjacent field. So when you put the balloon up at 140 feet, that location didn't give you a good idea of what the visibility impacts were going to be because it was in the open field. One of the Zoning Board members pushed and pushed and we finally went back and re-did it. We had to cut a few branches away but got the balloon up at the location we are proposing in the woods. As a result, a lot of the visibility issues really went away. This is result in very little impact to the surrounding area from a visibility standpoint. As you've seen from the plans we are setback well into this densely wooded area. There won't be any nuisance type impacts to the adjacent properties just because there is such a setback provided with dense woods between everything. I think most of the neighbors kind of felt at the end, they had their questions answered and they were okay because they reviewed it from their house and felt it wasn't that bad. There's a couple that stuck it out to the end but the end of the day the Zoning Board weighed the benefit to the City. The actual impacts to the area and the really minimal opposition that we did have and voted to approve as they did.

Co. Hall: You know there are other cell towers in that immediate area. Do you know that?

Ms. Slager: There's nothing in this immediate area that would provide the same level of coverage that would be connecting sites.

Co. Hall: I think in the business park off of Ferry Road, there's one for two towers in there. That's been there forever I think. As far as our jurisdiction is the watershed protection overlay district. I am satisfied with the recommendations coming out of here so far that it's not going to have any affect. I am definitely going to try and support this tonight.

Ms. Slager: From the beginning, I felt this was well cited. First and foremost when we go to these areas to find a site we look for the existing structure. It is not the first course of action to build new towers. We absolutely try to use existing infrastructure whether it's a building or a smokestack or a tower that exists in the area. That's our first line. Where that doesn't exist in an area to provide the required coverage, then we look for parcels that are appropriate for a new tower development. What's appropriate obviously, we are looking for large parcels made with existing vegetation like you have here, where we can site the facility in such a way to minimize impacts the area. From the beginning I felt like this was a good proposal. Did it get better over the course of the hearings with the City? It did because we hooked up with the Police Department and obviously I think this become even a bigger win-win for not only the tower company, the wireless company but the city as well. It just becomes a big win all around.

Co. Hall: I think is that you people were willing to work with the public safety and this is a big issue with me and if can save that kind of money that the officer is talking about I think it's a win-win for the city too.

Ms. Slager: I agree. I wish I could say it happened easily. Scott will be the person to tell you we both duked it out.

Co. Hall: I was very impressed. I think the presentation made by the officer was overwhelming. There's stuff that he told me that I had no clue about. I think he did his homework. I think he did it for the benefit of public safety and the benefit of the city.

Ms. Slager: I give high marks to the City on negotiating this.

Co. Ryan: You indicate this is a heavily wooded area. My understanding is that a good portion of the land is going to be, it's already going thru the process for a very large low income housing development which is going to be accessed from behind Presidential Drive which is going to be three to four hundred houses. How far are you from the nearest house that is going to be built in all that wooded area?

Ms. Slager: To be honest with you, I wasn't aware of that proposal.

Co. Ryan: You are probably going to be right next to them. I think that's something that, very important for the Mayor's office to look into it. The tower, how many feet is it going to be? Attorney – Height? 140.
Co. Ryan: Will that be the tallest tower in the City? Attorney – Off the top of my head I don't know for sure. Actually I think the one at Masys Way was 150. Officer - It depends on the height of the hill as well if you look at the one that Co. Hall talked about that was pre-existing, we looked at that as a site and financially we couldn't get on that site, the one that's in Ward Hill currently. But I think that would possibly be higher than what we are even speaking. But that didn't work out financially for us to be able to go onto that site. It would have been too costly. I don't think it's the highest one in the City at this point, but I know where it sits, how it affects (inaudible)

Co. Ryan: Will it have red lights flashing on the top of it?

Ms. Slager: No, it doesn't require any lighting.

Co. Ryan: No lighting, that's a good thing. I applaud you for getting the Police Department because you probably wouldn't have any chance at all of getting this approved. By having public safety involved in it it's a good way to lobby this thing thru. Whoever thought that up.

Ms. Slager: I think them coming aboard made it much stronger.

Co. Ryan: Florida Power is just the management company, they don't own it? Who owns it?

Ms. Slager: They'll hold the lease. What happens is the industry doesn't purchase land. They do long-term leases. They will be the primary lease holder. They will manage the site and sub-let it to wireless facilities such as T-Mobile, Verizon.

Co. Ryan: There will be multiple carriers on there.

Ms. Slager: Yes, it's been designed for multiple carriers.

Co. Ryan: The bottom of it you indicated it's a 40x40 foot fence. Is it a single pole or multiple legs, the tower.

Ms. Slager: The tower is a single pole, monopole style tower.

Co. Ryan: Under the contract obviously the police will always have primary access to this.

Ms. Slager: Right, that will be part of the agreement.

Co. Ryan: They will have access to this over anybody else.

Officer Ziminski: We negotiated with Florida Towers for the upmost top position. That is something that lucratively would have been, would have made a tremendous amount of money having a T-Mobile or another agency or entity trying to go on top of that. So where they gave us that opportunity, they are actually losing money because there's not another vendor or entity that would be paying them X amount of dollars to occupy that space.

Co. Ryan: They wouldn't get this tower if it wasn't for you folks being on it. And they are going to make a lot of money. Don't kid yourself. Every one of these carriers that are on there, T-Mobile, AT&T, Verizon, on and on and on because it's close proximity to 495. A lot of these carriers have dead spots and they're looking to enhance their opportunity for people to get connected. But it's an extremely lucrative business. Every one of those folks, I don't know what this one is going to charge; some pay \$25,000 a month. Whatever they are spending for you guys it's chicken feed. There's a lot of money to be made here. It's a great business opportunity.

Ms. Slager: Just for the record, rents typically monthly \$1500 to \$2500 not thousand. Annual income could be up in the range. Co. Ryan: It depends on where it is. Attorney Slager: Obviously, that is profitable is what makes us able to do what we are doing with the City. There has to be a profit margin. Otherwise we wouldn't be building it either. That's what makes it all possible.

Co. Ryan: I think it's great that we are getting involved and I am sure before it gets all the way thru the process the Mayor is going to weigh in on this and see how the City can further benefit. It's a very lucrative operation and I think we should get as much as we possibly can. I think it's important for us to look. Speaking the Mayor's Chief of Staff is here to look at the proposed sub-division that is going to be built.

Ms. Slager: We've been working with the Mayor's office. We recently got approval for site over at the DPW yard.

Co. Ryan: If you look at that area, I believe there is going to be this 300-400 unit development. We wouldn't want to build that on top of people's houses similar, all I can think of is over in Lawrence where the water towers are right in people's yards. Over in South Lawrence. I want to make sure we have enough distance and that's something I'm getting a nod from the Mayor's Chief of Staff that he'll make sure that happens. Good luck. I thank you for helping our Police Department communications. I think that's nice to see that we are getting some teamwork.

Ms. Slager: I think it was a good public/private coming together. It's commendable on both sides.

Co. LePage: You did mention the site at the DPW yard. Could you give us more information about that?

Ms. Slager: We just received approval to build (tape change) back behind the DPW yard there, in the back kind of in a wooded area behind that facility. I don't believe we received approval from Cons Com in August and I believe and at this point I believe we are still waiting on site plan review and building review. That's a little further ahead than this one. It was the result of request for proposals that the Mayor's office had put out looking for a wireless company to develop the site. T-Mobile was the successful bidder. We've already gone thru the zoning board process. We were approved. We've gone to Cons Com and I believe we are in the final stages of permitting that site. I hope that answers all your questions.

Co. LePage: Yes, it was in front of us before and I hadn't heard anything about it recently.

Ms. Slager: Okay. That's where I believe it is at right at the moment.

Co. Macek:: I would like to condition this special permit so that it will require an acceptable to the City erosion and stabilization plan is filed; that a separate agreement that would be designating a responsible party or parties for maintenance repair and any necessary modifications including an indemnification clause that protects the City; also, I would like to condition the permit with items as stated in a letter dated July 26, 2011 from Paul Jessel, Water/Wastewater Department; letter dated Jan 18, 2011 from Robert E. Moore Jr., Environmental Health Technician and also with concerns raised in letter of Jan. 13, 2011 from City Engineer John Pettis.

President Hart: Motion by Co. Macek second by Co. Daly O'Brien. If there's no discussion call the roll.

Clerk Toomey: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Young-yes, Councillor Hall-yes, Councillor LePage-yes, Councillor Daly O'Brien, Councillor Amirian-yes, Councillor Macek-yes, President Hart-yes. 9 yeas, 0 Nays

Co. Macek: Move for passage as amended.

President Hart: Call the roll on the special permit as amended.

Clerk Toomey: Councillor Scatamacchia-yes, Councillor Ryan-yes, Councillor Young-yes, Councillor Hall-yes, Councillor LePage-yes, Councillor Daly O'Brien, Councillor Amirian-yes, Councillor Macek-yes, President Hart-yes. 9 yeas, 0 Nays

President Hart: Passes

Respectfully submitted,

Barbara S. Arthur
Administrative Assistant to the City Council

October 6, 2011

A Special Permit Application from Florida Towers Partners to construct a wireless communications facility in the watershed protection overlay district on 75 Willow Ave, Map 768, Bl. 780, Lot 50A.

REASON FOR VOTE

In granting the Special Permit, those members voting in favor found that the application fulfills all of the general conditions contained in Chapter 255-18.1, Watershed Protection Overlay District, of the Haverhill Zoning Ordinance.

President Hart: I voted in favor because it complied with all statutory requirements for a special permit.

Councillor Scatamacchia: I voted in favor because of the benefit of the communications the City received and it complied with all requirements.

Councillor Ryan: I voted in favor because the proposal will help with police communications in the City.

Councillor Young: I voted in favor because it's a benefit to the City, its citizens and the safety departments.

Councillor Hall: I voted in favor of the special permit because it was cited in the proper place and within zoning regulations. Also, there will be a savings to the City of over \$100,000 for communications for the Police Department.

Councillor LePage: I voted in favor of this special permit based on the conditional favorable recommendation of the Planning Board and the increase in performance of the emergency management radio service for the City.

Councillor Daly O'Brien: I voted in favor of the special permit because it will benefit the City's public safety services.

Councillor Amirian: Based on the recommendation of the Economic Development Director and the communications from our Building Inspector and Environmental Health Technician, I believe that the proposed facility does not pose a threat to our wetlands and that the project is in the best interest of the City.

Councillor Macek: My vote to support the Special Permit request was based upon the petitioner's showing that there would be adequate measures taken to protect the watershed area in question and that the proposed cell tower usage would not have a negative impact on the area.