

# Planning Board Meeting Minutes

Benjamin Eddy Building, 6 South Killingly Road

Wednesday, March 6, 2024, at 7:00 p.m.

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## A. Call to Order

Anthony Renzi called the meeting to order at 7:05 p.m.

## B. Roll Call

Planning Board Members: David Paolissi, Warren Ducharme; Bill Gibb, Anthony Renzi, Chair; Mike Carpenter; and Susan Joyce.

Excused: Hilary Downes Fortune

Staff present: Grant McGregor, Planner; Joanna Achille, Solicitor

Attendees: Denise L. DiFranco, Town Council President, REIMA representative Gil Woodside, project manager John Vittum, Green Mountain Communications; Tom Cuthlan; Gina Lindell, Police Chief; Gordon Brayton, South Foster Fire Chief; Jack Charette; Erin Dubois, Sara Mossman, Mike Pereira.

## C. Approval of Minutes

February 21, 2024

Warren Ducharme moved to approve, Susan Joyce seconded.

Motion passed 6 – 0.

## D. Public Hearing (Unified Development Review)

### Development Plan Review - Combined Preliminary & Final Plan Review

#### Dimensional Variance

#### Special-use Permit

Applicant: Town of Foster

Owner: Town of Foster

Applicant has signed a Memorandum of Understanding with Rhode Island Emergency Management Agency (RIEMA). Town of Foster (Owner/Applicant) seeks approval for a combined Preliminary & Final Development Plan Review to erect a 186 foot communications tower to improve emergency responder communications. Applicant requests approximately 22 feet of relief from the side yard setback (Sec. 38-192(1)). Applicant requests approximately 67 feet of relief from Sec. 38- 291(c)(3)(b). Applicant requests approximately 22 feet of relief from Sec. 38-291(c)(3)(c). Applicant requests a special-use permit (Sec. 38-191 Business use #20).

Mr. Renzi noted that two representatives from RIEMA are present.

Mr. Renzi read the advertisement (see Exhibit A).

Mr. Renzi explained the rules for the public hearing.

Denise L. DiFranco, Town Council President, Central Pike, represented the applicant, Town of Foster. Ms. DiFranco has requested that the representative from RIEMA make the presentation. She explained that in May of 2022 he came before the council and asked permission to survey the property. Mr. Renzi stated that the neighbors were in the dark that the property was being surveyed and we had a lot of unhappy people.

Gil Woodside represented RIEMA. He repeated that in May of 2022, they asked to look at the possibility of erecting a public safety communications tower at the Woody Lowden site. The State is in need of a new location to provide more coverage for first responders. Currently Foster Police use a tower in Coventry, also used by Coventry police and West Greenwich police. Foster police would move their communications to the new tower. They looked at land in an area that would be feasible: location for coverage, public State or town property first. They did all the studies, the RF design, and the coverage maps, for a 175-foot tower with 18 to 20-foot antennas at the top. It will cover the area that is needed and increase the coverage in the areas that is not currently covered. They also discussed moving the equipment from the current location at Waterman Hill Road to the shelter that would go with that site and house the town's equipment [there], their antennas, and an emergency generator.

Currently the town's equipment at the Waterman Hill site in western Coventry does not have emergency power, and is not climate controlled, which is detrimental to the correct operation of that equipment. Mr. Woodside said they have had multiple meetings and filed the application, then had the land surveyed.

Mr. Renzi opened the board to questions.

Mike Carpenter said all State agencies use this frequency, what frequency is that? Mr. Woodside said 800 frequencies that will transmit from there. Mr. Carpenter asked if that was UHF. Mr. Woodside said yes. Mr. Carpenter asked so no cell phone? Mr. Woodside said no cell phone at all. It would be housing Foster fire and police. Mr. Carpenter asked that those towers relay from a transmitter, where is the transmitter located? Mr. Woodside at that site. Mr. Carpenter said you have a generator there, right? Mr. Woodside said yes. Mr. Carpenter asked if it was an automatic transfer switch or a manual one. Mr. Woodside said automatic. Mr. Carpenter said the plans say it is manual.

John Vittum, Green Mountain Communications, who is the project manager said that the building is a pre-fab building, so the transfer switch is already installed along with the HVAC system. Mr. Carpenter asked where it is on the diagram; it is not a manned station. Mr. Carpenter said that what is unique about UHF high frequency, and ultra-high frequency, is that it is line of sight. It is the same frequency aircraft use. He asked if they had a coverage map provided by your engineering firm because he couldn't find one. Mr. Vittum said we do have a coverage map; it is not part of that package. Mr. Carpenter said we need one. The reason we are partnering with you on this is to improve our emergency communications. We are very poor in that area. The terrain in Foster is not conducive. Mr. Vittum said the terrain is problematic. Mr. Carpenter said the coverage map is always part of the plan so the return on investment can be determined. A ton of money has already been spent on this project and all of this is based on improved coverage. The coverage map takes into account the terrain, which is in terms of the topographical map, you're in the middle of high surrounding terrain. Anytime you are on the backside of high terrain, you are going to have limited coverage. That can't be corrected unless you put up a satellite. We definitely need to see the coverage map. And the transfer switch is important. Mr. Vittum said that will be corrected. Joanna Achille confirmed that it was a misprint on the plans. You can add [the requirement] as a special condition.

Mr. Carpenter noted any agreement we enter into would be compromised if the tendency is to switch over to SATCOM. There are already companies out there selling SATCOM access. Can you tell us how long do you plan to have that used prior to switching over to satellite? Mr. Woodside said we will not be switching over, there's no need to. It's extremely expensive and doesn't work under cloud cover. They are working on a 20-year strategic plan. Denise L. DiFranco said that it was brought out in the Technical Review Committee that there was a tower in another location, and that after ten years it was abandoned by REIMA and someone else took it over. This is where that question is coming from. The Statewide coordinator said it is a 20-year plan. Mr. Carpenter asked if that was in the Memorandum of Agreement. The Statewide coordinator said no. Mr. Carpenter said he would like to see that, the coverage map and the 20-year life expectancy. Discussion of sites as being the least invasive.

Warren Ducharme asked at what point are aircraft lights required? Mr. Woodside said it was 200 or more feet to be lit and painted. This [tower] is between 175 and 180. Lights are not required.

Mr. Renzi asked where Waterman Hill Road was. Mr. Woodside said Western Coventry. Mr. Renzi said then Coventry and others will be beaming off this tower. Mr. Woodside said the plan is to relocate the equipment for the receivers for Foster police and fire to the new tower. Susan Joyce asked if they were relocating Coventry. Mr. Woodside said yes.

Mr. Renzi asked if we pay for the use of that tower? Denise L. DiFranco said no. Mr. Renzi asked if we still will need a tower at the police station. Mr. Woodside said it depends on if the police station wants to stay on VHF or move to the 800 and the same with the fire department. Mr. Renzi asked about the location, and noted that he understood this site was less invasive. He noted that you can always replant trees. He asked what the guarantee was that there won't be any cell phone usage on that tower? Who would say no? Mr. Woodside

said it was their tower. In another community, the tower was owned by the town and they put a cell company on it. Mr. Woodside said we are not inclined to do that. If you came to us and asked, we would have to go through FCC requirements first and then work with the town. If you were to make that decision, we don't want any money from the cell company. Our focus is first responders.

Denise L. DiFranco said she had spoken to the director of EMA, Mr. Pappas, because there was a concern. They said if anyone wanted to put it up there, you would have to get approval from REIMA. She asked to have something put into the agreement. Joanna Achille said you can make it a condition of the agreement. Mr. Renzi said if it's not going to be interfering with the first responders, it's not a big deal. The director today says no, but the director tomorrow could say yes, so this needs to be rewritten. Ms. Achille said you just add it to your special use permit as a condition. That has more teeth than an MOU.

Gordon Brayton, Round Hill Road, and Fire Chief of South Foster, said he was talking to a radio company right now about putting a small tower at the police station that can bounce off a relay in the center eliminating the expense of a large tower on Rt. 6. Ms. Achille said you can add in to its approval of preliminary a condition that if the police and fire wanted to be located they could accommodate that. Mr. Renzi said there could be a lot of things added.

Mr. Renzi said all these people attacked us on Facebook because we didn't know all this stuff, so now he's calling them [REIMA] on the carpet for not letting the planning board know what was going on. A lot of things have to be conditions that we have to put in. In the future when the tower comes down, he has seen them designed to fall in place so it doesn't fall beyond a certain limit. Mr. Renzi asked, if the only reason it is in that spot is because you don't want to cut down trees? Mr. Woodside said we don't want to be invasive, the smaller footprint we can utilize is better for everyone. Mike Carpenter said he didn't see any lightning protection. Mr. Woodside said there is a grounding spec, all fence posts, everything. There is a 15-foot lightning rod at the highest point that is bonded to the tower so that everything is electrically the same. There a complete grounding halo that goes around the perimeter of the foundation. Mr. Carpenter said so there's no increasing the hazard to residents.

Mr. Renzi asked if there were any abutters were in favor of the tower.

Mr. Renzi asked if there were any abutters who were opposed.

Mr. Renzi asked if anyone would like to speak in opposition.

Jack Charette, 195 Plainfield Pike, said there is a tower on Luther Road. It's in a straight line as the crow flies not more than 3/10s of a mile from the Woody Lowden site. Why can't we use that? Mr. Woodside said the co-location with a cell tower is problematic, the co-locations with cell sites were constantly having problems with interference, not having the prime spots. Mr. Charette said that earlier they said it was problematic over here. It's a line of sight according to Mr. Carpenter so it's going to have dead spots, so why are we doing it? Mr. Woodside said the whole western side of the State is problematic because of the terrain so we have multiple tower sites along the west side and this is just one more in a chain to fill in the area. Mr. Charette said when it comes to the cell phone business being attached to it, AT&T, I guarantee that is going to happen. He believes that the Feds can override anything once it is up. 5G kills people; it's being covered up. We use the trails there. Was there an environmental study done there? What about the playground? He moved out for rural living.

Erin Dubis, Plainfield Pike, said she owns one of the properties they requested a variance on and she thinks it is the largest variance requested putting it 36 feet away from her 8 acres. She is a first responder, a Union Local 1080 fire fighter and she has worked for Foster's EMS provider. She asked for clarifications. One stated that the layout is going to be a 50' x 50' pad, the other that is said 100' x 100' pad. Mr. Renzi said it would be 100' x 100'. Mr. Woodside said the 100' x 100' is the working zone for construction. The pad is 50' x 50'. Ms. Dubis asked if the components would be run underground. Mr. Woodside said yes. Ms. Dubis thought the town should get something for this. She is opposed to the way this is laid out. Mr. Woodside said that first the tower in western Coventry and they have an agreement with the landowner; it's private property, so it's not an ideal site. The overall gain that we get is 160' on the tower instead of 120'.

Sara Mossman, Howard Hill Road, asked why the abutters weren't notified sooner. Grant McGregor said because he found out about the application on January 15 or 16 and as soon

as he found out about it, he notified the abutters. He didn't even review the application yet because they wanted it to be put on the planning board agenda quickly and then he reviewed the application and realized there needed to be a dimensional variance and a special use permit and put the application on hold. He notified abutters again, so he notified you as soon as he knew. Ms. Mossman said that when she questioned why they had survey people on their property, nobody in town gave us answers. Mr. McGregor said, right, we didn't know. The council gave the authorization to the surveyor, and they didn't notify the property owners. Mr. Renzi said there isn't a person in the room who can explain why the surveyor did that. You would have to ask them yourself. Ms. Mossman said they haven't been offered a chance to do a walk around to see what they are going to do like they offered [to the people] half a mile down the road on Waterman Hill Road. Joanna Achille said that was because the tower was on their property. Ms. Mossman said but we're neighbors, it's affecting us. At any point, are they going to show us what they are going to do? What is going to happen to the property owners if the tower falls on our properties? Mr. Renzi said he believes the tower owners are responsible and they are liable. Ms. Mossman said so when their 20-year lease is up, who is responsible? Mr. Renzi said they are; they are not going to walk away.

Mr. Renzi asked if anyone would like to speak against who is not an abutter.  
Mr. Renzi asked if anyone would like to speak in favor who is not an abutter.

Gina Lindell, Foster Police Chief, Foster Center Road, said she understands everyone's concern about the land. She never wants her land to be disrupted, but as a police chief now, and as a trooper for 24 years, she also knows how bad it can be. She has also seen how bad it can be when there is a first responder rolling around on the ground with a bad guy and he's trying to tell somebody he needs help on his portable radio and no one can hear him. She said she is also someone who was searching for a lost party in the woods, and had a portable on. She got separated from her group as a trooper and was in deep woods, alone, in the middle of March on a 30-degree night because she got lost and they couldn't hear her. She said she could hear them on the portable calling for her, but they couldn't hear her. By the grace of God she got out of the woods and found a house to make a call. She said she has a radio in her office and she can always tell where EMS, fire, or her guys are by how they sound on the radio because they come in clear in some spots and horribly static-y with others. Dispatch is constantly saying "go again, your transmission is botched". If someone is rolling around on the ground or there has been an accident and they need rescue, fire, or EMS, and God forbid it's a kid in anaphylactic shock who just got stung by a bee and whose throat is closing, and they are saying, "go again" by the time they say "go again" the kid could die. She has one guy on the road 7 to 3, and one guy on the road 3 to 11, and another 11 to 7, and if they are waiting for backup from Coventry, or Scituate, or the State Police, it's going to be 10-20 minutes before they get there. If they can't hear our guys—they could be at any one of your homes—they aren't getting good reception. She loves Foster and the residents, this is almost like old school USA, how we all grew up, but we have to get into the 21<sup>st</sup> century. She knows why REIMA sited it there, the height of it, she knows the landscape—there are a lot of hills and valleys—and they did look at other spots but the tree line was so high it would be blocking the transmission so they would have had to cut more trees. She doesn't live next to it, but she needs it. If she was a resident, she would have the same questions, but in the back of her mind she would also know that we have to get into the 21<sup>st</sup> century. If we had a serious crime here, [for example] a murder. She explained how she chased someone who had a head on the front seat of his car that came out of Connecticut. He beheaded his girlfriend, and the tower that we use with Connecticut [could be heard] all the way up to Rhode Island but here [in Foster] she couldn't hear it. She said these people here [in the room] aren't the bad guys. She said the tower; it is well-constructed and safe. It won't be as bad as you think, and if it saves somebody's life out here, it's worth it.

Gordon Brayton said the spotty service in Moosup Valley has always been something the town has spent a lot of money trying to improve. He said we've never had the opportunity to get a tower like this. The Waterman Hill tower is not a good tower. This tower is going to cover Kennedy Road, Jencks Road, Plainwoods Road, and part of Cucumber Hill Road as far as Route 6.

Mr. Charette said he heard there was a better place, and he heard Mr. Renzi say you could plant more trees, so it will take 40 years for them to get 100 feet? Joanna Achille said she

didn't think that was a question for the chief. Chief Lindell said if this was a better spot but they had to cut more trees, it was as if you could imagine a microburst path that was what she was envisioning. She doesn't know if there is a better spot. She knows they did their due diligence.

Mr. Renzi asked if there was anyone else in favor.

Denise L. DiFranco, Central Pike, said that when she first got elected she was told that her main job was to secure the safety of the town. She has been on since 2013, and she has heard about Moosup Valley being a dead spot. She has a scanner and now she knows why she [sometimes] has static because it's [coming from] Moosup Valley. She understands their concerns because they are abutters, but she has to look at the safety of the whole town. She heard the other night that there was an accident down in Moosup Valley and they couldn't find it. There were kids in the car who had cell service. Dispatch was trying to get information out to the responders. They couldn't find these kids and had to use their cell phones to call dispatch to find where these kids were. That's a problem. That is her concern. If that was your kid, she is sure you would want that tower up and going. It's a communications tower; it is not a cell tower. You said you didn't know about it. It was on the agenda. Nobody ever came to the council hearing at that time.

Mr. Renzi asked for non-abutters who were opposed to speak.

Mike Pereira, Plainfield Pike, said he has been in Foster since 2011. He said he thinks we are all in agreement that if it was in your back yard, you would have concerns. In principle, having adequate communications is in everybody's best interests. He asked about 5G and the Federal Communications Act. It says a "State and local government may not deny and shall approve any eligible facility request for a modification of an existing wireless tower ...". Does this mean that we don't have local jurisdiction? Joanna Achille said that Act is very expansive and it binds cities and towns as to how we can regulate these things. The distinction here is that it is the *owner* who has to make the request. Verizon can't come in and say, "I'm going to put my thing on that tower." No. It is the owner of the original contract. The tower owner is REIMA.

Mr. Renzi said what you should be aware of is that if one of your neighbors wants to give a piece of property to AT&T, they can and you can't stop them. There's one on Cucumber Hill Road. We said no and they sued the town. Mr. Pereira said there is more information coming out about the effects of 5G radiation on kids. There's a growing body of evidence that is of concern. Mr. Renzi said they are not going to put any phone systems on it, and it is something we need. Mr. Pereira said it sounds like you said we have jurisdiction over that. Ms. Achille said yes because we are citing it right now and the owner clearly is agreeing that they don't want it.

Susan Joyce asked what the timeline would be to put it up and when it would start. John Vittum said once they get the okay they will schedule with the contractor. It could be a month or two. First would be creation of access, then the foundation for about 3 weeks, and the tower erection would be up in a day. And there was something in the document relating to the long-eared bats and would the work be done April 2024? Mr. Woodside says it doesn't start until they get their approvals. Ms. Joyce said so if the long-eared bats were in there you wouldn't be able to start then. Mr. Woodside said yes.

Mr. Charette asked if we are moving forward with no environmental study. Is one required? Ms. Achille said no. Mr. Vittum said we did the culture resource report and that all the environmental stuff has been done already so there are copies that can be shared with anyone. We have coverage maps. You will be getting an email from Motorola of coverage maps so you can be clear on the coverage. We don't just say, "it's going here", those coverage maps show us with coloration where we need to be. Ms. Achille said by that you mean where the gap is that you are filling in. Mr. Woodside said yes. The property as it exists, if the tower was dead center, the concern of the abutters is a fall radius. Mr. McGregor said it is towards the rear in the center. Mr. Vittum said they looked at the environmental impact of cutting the roadway in the back, clearing the site out. If you walk in the back and get to the stone chimney and go to the right, that would be a lot of trees to cut out. The tower is 175' and with the antennas, it's about 195' so if that falls, the closest house is 507 feet from the center of the

tower and that's the closest house. All the other properties that surround it are further away. Mr. Woodside said that speaking from experience of catastrophic events with communication towers, when they fall, they collapse upon themselves in an L-shape.

Mr. Renzi asked what the guarantee is that our radios are going to work in that area, Mr. Woodside said very good. Mr. Renzi said, you need 100' x 100' footprint to do the work and the footprint is 50' x 50'. You need a 16 foot [wide] road to get into the site. If we were to take this piece of property and put this tower so that it has 175' all around and if that tower fell any which way, it doesn't fall on anything. Mr. Woodside said we could look at it again. Denise L. DiFranco said she spoke to the woman who is within the fall zone and she was at the council meeting. She was just concerned that they respect their property. Mr. Woodside said that would result in cutting more trees.

Anthony Renzi closed the public hearing.

Warren Ducharme said it will be very difficult to make a motion if Mike wants to see a coverage map. Ms. Achille said it's combined preliminary and final, so what you could do is don't give the final. Make it contingent on Grant's approval or your approval and make them come back. Grant McGregor said we could approve the preliminary and final, and then deny one of the special use permits and make it contingent upon special use.

Warren Ducharme moved to table this discussion until further information is supplied by the applicant including coverage maps, and further discussion on the need for specific restrictions until the next scheduled planning board meeting. Anthony Renzi seconded. Warren Ducharme withdrew his motion.

Joanna Achille said the Public Hearing is closed. So you are going to continue this matter to the next scheduled hearing for the applicant to provide additional documentation; however, the public hearing is closed and will not be reopened for the submission for any additional evidence by the abutters, or by the applicant with the exception of the items requested.

Warren Ducharme, so moved. Mike Carpenter seconded.

Motion passed 6 – 0.

Mr. Renzi explained that they would not be voting on the tower tonight and it will have to come before the board again.

Bill Gibb moved to adjourn.

Meeting ended at 9:15 p.m.

Submitted by,

Carol Lyons Sholly



# Town of Foster

Est. 1781

## TOWN OF FOSTER

The Town of Foster Planning Board will hold a Public Hearing on Wednesday, March 6, 2024 at 7:00 P.M. at the Benjamin Eddy Building, 6 South Killingly Road, for a property located at 16 Howard Hill Road, being Plat 2 Lot 62 in an Agricultural/Residential (A/R) zoning district. Town of Foster (Owner/Applicant) seeks approval for a combined Preliminary & Final Development Plan Review to erect a 186 foot communications tower to improve emergency responder communications. Applicant requests approximately 22 feet of relief from the side yard setback (Sec. 38-192(1)). Applicant requests approximately 67 feet of relief from Sec. 38-291(c)(3)(b). Applicant requests approximately 22 feet of relief from Sec. 38-291(c)(3)(c). Applicant requests a special-use permit (Sec. 38-191 Business use #20).

All interested persons are invited to attend the Public Hearing and be heard. Modifications to the proposal may occur as a result of the comments received during the hearing or as a result of further study. The application can be reviewed at Town Hall at 181 Howard Hill Road in the Planning Department during normal business hours by appointment only. The Planning Board Agenda will be posted to <https://opengov.sos.ri.gov/openmeetings> and <https://www.townoffoster.com/minutes-and-agendas> at least 48 hours prior to the start of the meeting.

Individuals requiring interpreter service must notify the Town Clerk's Office at (401) 392-9200 at least 72 hours in advance of the hearing date.

By order of the Planning Board  
Anthony Renzi, Chair

To be advertised in The Valley-Breeze Observer, February 15 and February 22, 2024.