

CELL TOWER FAQs
September, 2014

1. **Q:** What led to the current effort to site a tower on the campus?

A: Over the past 8-10 years, various Dover-Sherborn central office personnel have had preliminary conversations with cellular carriers about siting a cell tower on the Dover-Sherborn Regional Campus. To our knowledge, the conversations never progressed to the stage of a vote of the Dover-Sherborn Regional School Committee (RSC) or the issuance of a Request for Proposal (RFP). During 2014, we became aware that Bay Communications on behalf of AT&T had applied to the Dover Planning Board and the Dover Zoning Board of Appeals for approval and variances to build a tower on a private parcel of land with access off of Evergreen Way in Medfield, adjacent to the regional campus and approximately 500 feet from the HS building. At that point, the RSC voted to investigate the opportunity to site the tower on land owned by the Dover-Sherborn Regional School District.

2. **Q:** Does the Dover-Sherborn Regional School District have the ability under its charter to sublease space on the campus?

A: Yes, according to District counsel, the Dover-Sherborn Regional School Committee (RSC) can enter into a Lease or License Agreement.

3. **Q:** What entity/committee has the ability to negotiate any such agreement?

A: According to District counsel, the RSC has jurisdiction to do so.

4. **Q:** Is it preferable to enter into a Lease or a License agreement?

A: Insofar as a License can be challenged and potentially revoked, a Lease is more desirable. It is our understanding that the cellular provider seeks a Lease agreement.

5. **Q:** What are the benefits of the proposed cell tower to the DS Regional Campus?

A: Current cell coverage on the Regional Campus is spotty at best and non-existent in many places. The district has been advised by both Dover and Sherborn Police Departments that Emergency Response procedures would benefit greatly from full cellular coverage. Coaches responsible for DS athletes would also have more timely access to emergency personnel.

Additionally, locating the tower on the DS Regional Campus would provide a welcome annual revenue source to the DS Regional School budget. It is our understanding that multiple carriers may be interested, which would increase the revenue stream. However, we have not yet determined the potential size of the overall revenue stream.

6. **Q:** Are there any deed/lease restrictions relative to this use that would require additional variances?

A: Mr. Gino Carlucci, Dover Town Planner, is not aware of any bylaw that would preclude the RSC from locating a cell tower on school property. The categories of regulations for Dover indicated nothing that would be applicable to a cell tower other than the cell tower section of the Zoning Bylaw.

7. **Q:** Is there a “change of use issue” to be considered?

A: No, according to Mr. Carlucci. Article 97 of the state constitution prevents dedicated park or open space land from having a "change of use" (including locating a cell tower on the grounds) without a process that involves a 2/3 Town Meeting vote and an act of the legislature. However, this article does not apply to school property.

8. **Q:** How did the RSC develop an RFP for the project?

A: The RSC engaged counsel specializing in telecommunications to author the RFP. The RSC also engaged a radio frequency (RF) engineer to assist with the technical aspects of the RFP.

9. **Q:** Does the RSC have a sense as to costs associated with the RFP process?

A: The RSC authorized spending up to \$10,000 for costs related to the RFP issuance. It should be noted that all applicants are required to submit a non-refundable \$750 application fee payable to the DS Regional Schools. These proceeds offset RFP costs.

10. **Q:** How has the RSC interfaced with abutters, parents and other constituents?

A: It is the intent of the RSC to be as transparent as possible during this process. Meetings were held to discuss the cell tower and RFP process in May and June, which were attended by Dover and Sherborn residents as well as Medfield abutters to the current proposed site. To provide notice for the June meeting, DS Central Office sent a letter to abutters as well as provided information in the weekly email blast to all DS HS and MS parents/guardians.

The RSC also held two publicly posted meetings during the summer specifically to address cell tower issues. The meetings were held on July 15th and August 19th. Additional discussion will be taking place this fall, and the public is again encouraged to attend.

Constituents are welcome to address any correspondence to Superintendent Steve Bliss at 157 Farm Street, Dover, MA 02030.

11. **Q:** Have efforts been made to contact the Dover Conservation Commission related to this project and, if so, what was learned?

A: The Conservation Commission officially responds only when a Notice of Intent is filed, which would occur after acceptance of proposal stemming from the RFP process.

RSC representatives met with the Commission to understand more fully the implications of wetlands regulations for the siting and construction process. It was learned that structures may not be within 40' of wetlands. Work done within 100' requires a Notice of Intent, with a hearing, and conditions placed on the project. As the proposed site is near the back fields, some modification may be required to the conditions imposed when the access road was constructed.

12. **Q:** Is this proposed project, in its relation to the Regional School Committee, subject to Chapter 30B and, if so, what specific actions are required?

A: Yes, this project is subject to Chapter 30B, which specifies the manner in which we must proceed to issue and evaluate the RFP. The full text is available here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B/Section16>

13. **Q:** A major gas distribution pipeline runs through the regional campus. Has the gas supplier been contacted to determine if there are any safety or construction barriers that need to be considered or that could affect the feasibility of the project?

A: The energy company that regulates and oversees the gas line running through campus assures administration that erecting a cell tower near such a gas distribution system is not only safe, but is also quite common. The company has agreed to work with the school district and stands prepared to offer expert guidance on how to safely erect a cell tower. The energy company was notified the week of August 11th that an RFP was issued related to the project, simply to apprise the company as to where the project stands.

14. **Q:** What about any health concerns?

A: The goal of the RSC is to run a transparent and collaborative process. At the June 10 meeting, a presentation by one member of the RSC offered a compilation of some of the science associated with cell towers. A few audience members offered alternative views at the June 10 meeting, and also on the July 15 meeting. On balance, their message was that if a tower is sited on the Regional campus, then the RSC should consider precautions such as tower location and transmission configuration. The full June 10 discussion can be viewed on DSCTV (www.dsctv.com). The RSC presentation appears on the district web site.

The distance of any proposed tower to the school buildings on campus is being carefully considered in the scope of this research. The two preferred locations for the tower are both situated in the "back fields," the remote part of campus on which there are playing fields. The Region purchased the property from the Commonwealth of Massachusetts.

One preferred tower location is 1,200 feet from the nearest campus building, and the second preferred location is 870 feet from the nearest campus building.

15. **Q:** Is there a concern with the timeframe enacted by the RSC related to this project as far as the Town of Dover is concerned?

A: No. The Dover Planning Board confirms that the only condition attached to the Special Permit process is to start the hearing within 65 days of application and to file a decision within 90 days of closing the hearing. There is no restriction on the length of a hearing other than whatever is "reasonable".

16. **Q:** Is there a concern with the timeframe enacted by the RSC related to this project as far as FCC regulations are concerned?

A: No. There is an FCC requirement to process applications for new towers within 150 days. The 150-day tolling period is not at play while an application is inactive, and the current application is currently considered inactive during this "continuance."

17. **Q:** Where does the RFP process stand as of early September 2014?

A: The RFP was issued during the summer. The administration and members of the RSC met with potential applicants in a pre-bid meeting to hear concerns and respond to questions. As a result of that meeting, the RSC met on August 19, and voted to increase the maximum height of the tower to 120'. This change was in response to concerns expressed by multiple representatives that the originally proposed height of 100' was unlikely to be of sufficient height to meet the needs of multiple carriers in addition to town safety personnel. The RSC also voted to request the tower be of the "monopole" rather than "monopine" design, based on the recognition that the camouflage incorporated into the monopine design loses its visual effectiveness, and becomes more visible, rather than less, when the structure stands high enough above the surrounding canopy to be effective for telecommunications.

One bid was submitted by the September 5th deadline. Administration presented the details of the bid to the RSC, and it was discussed at the RSC's regularly scheduled September 9 meeting. on September 9 for discussion.

The RSC decided to move forward in drafting a Lease with the one applicant, Bay Communications II, LLC, representing AT&T. The RSC shall review the Lease at its October 7 meeting, and will likely decide at that time whether or not to award the RFP and Lease to Bay Communications II, LLC.

The RSC is committed to keeping the members of our two communities informed about any developments as they take place through the fall.