

Minutes of the Zoning Board of Appeals
August 22, 2007

Hearing: #06-13

Present: David Perry – Chairman, Joseph Daigle – Acting Clerk, Terry Girouard, Cheryl Anderson, Donna Brooks, Town Council, Town Planner, and Board’s Consultant

Absent: Gil Carriero

1. David opens, introduces Board
2. David asks Eric if Nextel has submitted check to deposit into 53G account
 - a. Answer – Yes
 - b. Copy of receipt and letter from Nextel
 - c. Check for \$3,000 received on 8/17/07 by Town Treasurer numbered 1 of 16 – 1 sheet
 - d. Letter numbered 2 of 16 – 1 sheet
3. Attn: Sousa further represents Appellant
 - a. New plan submitted numbered 3 of 16 – 4 sheets
 - b. New plot submitted numbered 4 of 16 – 4 sheets
4. Micah Hawthorne (Engineer) speaks to questions of coverage and explains new plots
 - a. 87 Byfield Road at 185’
 - b. 41 Kallinen Road at 200’
 - c. 5 Old County Road at 120’
 - d. Proposed Nextel site at 150’
5. Mr. Bingham asks questions out of order
6. David brings meet back and advises Mr. Bingham of rules
7. Donna addresses Mr. Hawthorne about 41 Kallinen Road
 - a. Advised
8. Attn: Sousa states no existing structures don’t fill the gap they need to fill
9. Two photos submitted by Joe from Planning Board of Ballon Test #5 of 16 – 1 sheet and 41 Kallinen Road tower #6 of 16 – 1 sheet
10. Cheryl asks for affidavit for records to appease bylaws
 - a. Answer: Already submitted with package Tab #4
11. Attn: Sousa submits new pictures of proposed site which contains what is called a “Brown Stick” numbered 7 of 16 – 18 sheets
12. Affidavit submitted by Nextel to Cheryl’s request (dated 6/7/07) two pages – numbered 8 of 16 =
13. David Maxson (Board’s Advisor, Consultant) speaks to height of tower
 - a. 70’ too low
 - b. 120’ better (should hold 4 carriers)
 - c. Higher would not be better because of terrain characteristics
 - d. Submits test result of site
 - i. 90 feet at 470 MHz – numbered 9 of 16
 - ii. 150 feet at 470 MHz – numbered 9 of 16

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- iii. 90-150 talkback compromised
 1. Sheet numbered 10 of 16 - submitted
 2. 120/150 sheet numbered 11 of 16
14. Capt. Nolan speaks for Fire Dept and mobile radios inside structures in support of 150' pole
15. David concerned if tower is lower than 100'
16. Consultant states higher is better but will there be a significant difference in reception at 150 over 120? Is horizon clutter worth it?
17. Attn: Sousa submits 7 page supplementary brief addressing set back requirements and the fact that they cannot meet same. Numbered 12 of 16
 - a. This is in response to letter from Board's consultant
18. Terry asks about ground equipment
 - a. Will there be room for other carriers
 - b. Yes!
19. Cheryl asks about 5 year plan by Nextel
 - a. No plan
 - b. Cheryl requests affidavit to that fact
 - i. Attn: Sousa will submit same
20. Cheryl states Board can waive under 5.5.6 (innovative sighting)
21. David states 5.5.6 was inserted to bylaw to give Board discretion powers
22. Cheryl asks about repeaters under 5.5.6N – can't be closer to dwellings than 50'
 - a. Consultant states there are no repeaters planned on the pole
23. Dave asks Board members for comments
24. Cheryl asks if consultant will submit report
 - a. Yes
25. Cheryl asks Town Council if Board can get copy of lease with Town
 - a. Yes
26. Capt. Nolan questions Board's broad discretion powers
27. Town Council answers Capt. Nolan
28. Cheryl asks distance from base of tower to old town pound
 - a. Attn: Sousa answers they have no measurements
 - b. Attn: Sousa answers 120' to property line
29. Historical Commission has asked the tower be moved back toward property line according to Debbie.
30. Attn: Sousa states that Nextel is working with EBI to help with Mass. and local historical groups
31. David asks Town Council if Board could ask Nextel to side and improve existing town building at site
32. Capt. Nolan states fire dept. wants buildings to store hazardous waste
33. David asks Planning Board member (Joe) for input – given
34. David asks Police Chief for input
 - a. Higher the better
 - b. Needs for mutual aid calls
35. List of documents submitted for Nextel #13 of 16 = 11 pages (by Eric)

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36. Letter from Eric to Nextel requesting \$3,000 #14 of 16 = 1 page (by Eric)
37. Mr. Bingham speaks:
 - a. What model used for test
 - i. Micah – “Lee Model”
 - b. Why space for 4 carriers
 - i. Sousa – other users coming into area
38. Mr. Bingham presents compromise proposal = 8 pages, numbered 15 of 16 both written and verbal
 - a. Starts at 8:51 pm
 - b. Ends at 9:12 pm
 - c. Mr. Bingham opens presentation to questions
 - i. Terry asks questions of height
 - ii. Capt. Nolan addresses Mr. Bingham’s presentation
 - d. Mr. Bingham questions Capt. Nolan
 - i. Type of antennas on trucks
 - ii. Height of existing pole
39. Discussion continues between Mr. Bingham and Capt. Nolan
40. Police Chief speaks to public safety and his men’s safety
 - a. They need height
41. Capt. Nolan submits letter numbered 16 of 16 requesting height of 150’ on proposed pole
42. Mr. Bingham asks Chief of Police questions about height of antennas
43. Consultant asks for time to speak
44. Debbie asks height of tower and Town’s part
45. Consultant speaks:
 - a. Presents slide show
 - i. Changes coverage from 150’ to 120’ to 90’
46. Capt. Nolan states land lines would have to be used if tower less than 150 and they would have to have auxiliary sites for coverage
47. Police Chief speaks to coverage on Rte 119
48. Slide show on wattage coverage between 30 and 5 watts
49. Discussion on closing hearing, extensive!
50. Donna makes motion to continue hearing until 9/12/07 at 7:30 pm “Please Post”
 - 2nd – Cheryl

Vote – To continue, David, Terry, Donna, Cheryl, No Vote: Joe

Respectfully submitted by Joseph Daigle, Clerk