

Minutes of the Zoning Board of Appeals
July 18, 2007

Present: David Perry, Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson, and
Donna Brooks
Absent: Gil Carriero and Richard Coswell

Hearing: #07-07
Time: 7:00 PM

1. David Perry opens the Continuance
 - A. Introduces Board
 - B. Explains information obtained by David Perry from Town Counsel
2. Motion to change from Variance to Special Permit
 - A. Still on table
 - B. Discussion on same
 - C. Vote – Does not Carry
 - D. Stays as Variance
3. Motion to Grant Variance by Terry Girouard
Cheryl Anderson seconds Motion
Vote: Unanimous to Grant Variance with conditions
4. David Perry explains to Appellant's process taken
5. Discussion by Appellants not to approve Variance of 10 feet from the road
 - A. David Perry explains Board could reconsider finding and put house back if they desire
 - B. Appellants decide to ask Conservation Commission
6. David Perry explains Appeal process
7. Donna Brook makes Motion to close the Hearing at 7:20PM
Cheryl Anderson seconds Motion
Vote: Unanimous to close

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1. Discussion with Eric Smith regarding Whitney Park Estates issues; mainly unpaid bills and correspondence.
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Hearing: #06-13
Continuance

Present: David Perry, Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson,
Donna Brooks, Eric Smith, Town Planner, David P. Maxson, Broadcast Signal
Lab (Town's consultant), Attorney Deborah Phillips, Town Counsel
Absent: Gil Carriero, Richard Coswell

1. David Perry opens Continuance
 - A. Introduces Board, Planner and Consultants
 - B. Explains Rules of Hearing
2. David Perry turns Hearing over to Attorney Ricardo Sousa representing Nextel
 - A. Introduces Phil Leite, Nextel's engineer to present Nextel's case
 1. Shows detailed coverage charts to indicate gap in coverage
 2. Enters two smaller charts in to the record numbered #1 of 7 and #2 of 7, one sheet each
 3. Attorney Sousa continues presentation
 - A. Suggests a 150' tower with four carriers plus Town equipment
 4. Enters package containing balloon test pictures of July 16, 2007 numbered #3 of 7
 5. Enters map of coverage, #4 of 7
 6. Town's equipment to be on the top of any tower erected.
3. Mr. Maxson questions Appellants people
4. Appellant continues presentation
 - A. Attorney Sousa states they would be willing to lower tower from 150 feet to 120 feet if necessary
5. Terry Girouard questions Appellant about unused space
 - A. Probably three spots will be left
 - B. Terry Girouard asks if lower tower would discourage other carriers for space
 1. Appellant does not have answer
6. Mr. Maxson questions Appellant on coverage hand-off, etc at 150-foot tower
 - A. Does Nextel have a plan for further development in Town?
 1. Answer: Currently no
 - B. Suggests not to rule out 70' tower
7. Donna Brooks asks about hole in coverage on Route 101 North in center of Town
 - A. Answer: Technical, as to direction of beam over hills into valley
8. David Perry asks if Lease has been signed
 - A. Attorney Phillips says it has but she is holding it for text reasons

9. David Perry asks how much money the Town will be paid
 - A. Attorney Phillips does not remember
10. Donna Brooks asks if both Nextel and Sprint will be on the tower
 - A. Answer: At this time, just Nextel
11. Attorney Phillips states Town will receive: \$5,000.00 at signing; \$2,500.00 per month for rent; 3% yearly increase; 15% of gross monthly rents of others; approximately \$30,000 yearly rent to Town
12. Donna Brooks asks about time table for Sprint
 - A. Unknown timetable explained by consultant
13. Terry Girouard asks for confirmation about Town's placement
 - A. Assured that it will be on top and 5 to 10 feet above Nextel
 - B. Is the Town's equipment taller than the tower?
 1. Three feet to 15-20 feet taller
14. Captain Nolan presents slides of Town's equipment
15. Donna Brooks asks if other users can build without using new tower
 - A. Attorney Phillips stated, not without proving they can't get coverage needed
16. Captain Nolan reminds Board that By-law was designed to have taller and fewer towers
17. Attorney Souza submits photo of second SBA tower in Town and coverage into record, #5 of 7, 6 pages
 - A. Will not help their needs
18. David Perry asks about a mono-pine tower
19. Mr. Maxson explained new technology for coverage
 - A. Smaller areas but more of them
20. 8:50 PM David Perry breaks for 10 minutes
21. Continuance at 9:04 PM
22. Donna Brooks asks about tower on Kallan Road
 - A. Appellant will investigate and get back to Board
23. Terry Girouard asks about noise pollution because of letter from Scott Bingham
 - A. Appellant will run test and report

24. David Perry asks about money for consultant
 - A. Attorney Souse says check is in the mail and apologizes for lapse in payment
25. Terry Girouard asks if Appellant has sat down with Historical Commission to see what they would like
 - A. No but he will
26. David Perry asks Planning Board for comments
 - A. John MacMillan says they may need a Site Plan Review
27. Eric Smith asks if Town equipment will be in compound and what will happen to building
 - A. Captain Nolan would like to move hazardous waste to that site
28. Captain Nolan submits his studies: #6 of 7, 18 pages, and #7 of 7, 18 pages
 - A. Asks for a 150-foot tower
29. Sergeant Brennan speaks for Police Department
 - A. Asks for a 150-foot tower
 - B. States Fire Department and Police Department will attempt to build their own tower if this one is denied
30. Continuance to August 22, 2007 at 7:30 PM
31. Donna Brooks makes Motion to adjourn until August 22, 2007
Terry Girouard seconds Motion
Vote: Unanimous

Respectfully submitted by Joseph Daigle, Clerk