

**TOWN OF DEERFIELD
ZONING BOARD OF APPEALS**

Minutes of February 26, 1998

Members present: R. Bohonowicz, Chair; Roger Sadoski; F. Olszewski; L. Grybko, Sr.; G. Friary; S. Barrett; Town Counsel, Bud Pepyne

Hearing application that of Delta Materials Corporation for appeal from the denial of the building inspector in accordance with the Town of Deerfield Zoning By-Laws Section 179-6(E) for a special permit in accordance with 179-2(C)(4) for increasing use of non-conforming use as well as making alterations to tower and 179-4(F)(1) for a variance for the addition of a structure above 35' height limit of tower located on Pocumtuck Ridge.

Michael Brown presented himself as representative for Delta Materials Corp, Jim Ross representing Omni Point and John Goudy, engineer with URS Greiner Telecommunications, Inc. Mr. Brown stated that on Dec. 5, 1997 Delta Materials Corp. submitted an Application for a Building Permit to repair damage to tower and allow installation of Omni Point's antenna to tower. Since that time he has had several discussions with the Building Commissioner, Mr. Asmann regarding what is required for approval of Building Permit. Upon submission of amended plans Mr. Asmann states that a Permit can be issued for repair only of the tower. It is the Building Commissioner's opinion that the bracket that attaches the antenna to the tower cannot be considered a part of the use of the tower but is a structural alteration of tower, therefore, cannot be authorized under the section of the By-Laws 179-2(C)(4) allowing expansion. Mr. Brown believes that under section 179-2(C) that a special permit may be granted to allow the tower installation provided the expansion of the non-conforming use does not change, extend or create an alteration that is not substantially more detrimental than the existing non-conforming use or detract from the area. Mr. Brown then showed photographs of present and proposed tower. He stated that the tower would be painted a blue/gray, the guy wires will be removed and that addition of the antenna does not cause substantial detriment to the neighborhood.

Board members had many queries regarding specifics of the tower. Mr. Ross stated that the antennas are 13 feet wide and 5 feet tall and would be painted to match tower. It was noted that Omni Point will pay for repairs and installation of antennas and that Delta Materials will receive rent. Questions were raised concerning benefits to town and it was stated that the tower is taxed as a community use and will increase value of property. Questions also raised concerning land owned by town and lease with Northeast Utilities.

Hearing was opened to questions and comments from audience. G. Friary stated that after a 3rd antenna is installed, the FCC can license as many towers as it wants.

Mr. Bohonowicz made motion to continue hearing till March 19, 1998 at 7:00 p.m. so that the following could be investigated further:

- 1. The lease agreement between the town and Northeast Utilities**
- 2. Who are the other lease holders on Delta's tower and permit information**

3. Information from town assessors regarding what financial benefit this may have for the town

Mr. Barrett asked that Omni Point check into any wetlands issues and any information relating to the crane operations on the land.

Ms. Friary seconded the motion. Vote was 4-1 in favor of continuing the hearing. Bohonowicz, Friary, Sadoski, and Grybko in favor and Olszewski against.

Respectfully submitted by

Julie Gray