

TOWN OF DEERFIELD  
ZONING BOARD OF APPEALS

August 26, 2004

MINUTES

- I. Meeting convened at 7:00 p.m., Main meeting Room, Municipal Offices, South Deerfield.  
Present: R. Bohonowicz, R. Calisewski, L. Grybko, Sr., F. Olszewski (Chair), and R. Sadoski.  
Absent: S. Barrett and G. Friary.
- II. Nextel Communications, Inc.: Chair Olszewski announced that the members would continue a hearing on an application by Nextel Communications, Inc. that had been continued from August 5, 2004. The hearing is to consider a request for (1) a special permit to install antenna lines and equipment on the existing telecommunications facility and (2) a variance from side set back requirements per the Deerfield zoning bylaw under the RA zone requirements, and a variance from rear set back requirements per the Deerfield zoning bylaw under the RA Zone requirements for property off County Road (Pine Nook Road) (Assessors Map 80, Lot 3).

Chair Olszewski reported receiving from Mark Russo a letter dated August 25, 2004 concerning the need for Nextel Communications, Inc. to obtain an easement from M. Russo to allow a door on the proposed 12' x 12' building to open over M. Russo's property line. In this letter, M. Russo stated that he did not have any objection to the Board granting permission for the project on the condition that Nextel Communications and he reach and document an easement agreement.

Representatives from Nextel Communications stated that they would work with the abutter to secure an easement. Representatives from Nextel Communications submitted additional materials requested by the Board at their August 5, 2004 meeting. The members reviewed the materials and were satisfied as the technical aspects of the project.

Chair Olszewski asked if there were any further comments from the public. Hearing none, he closed the public hearing.

The members reviewed the documentation submitted.

The members determined that the project is located within the Residential/Agricultural Zone and the Wireless Communication District. The members determined that the installation of antennas and equipment on a

telecommunications tower requires a special permit under the Wireless Communications District (Section 4450). Such a special permit can be issued only after considering the communication needs served by the facility; the traffic flow and safety; the adequacy of utilities; the impact on the neighborhood character; impacts on the natural environment; potential fiscal impact; and new monopolies shall be considered only on a finding that existing cannot accommodate the equipment planned. The members stated that since the project utilizes or replaces existing equipment, there would be a neutral affect on the traffic flow, impact on the neighborhood, natural environment, and fiscal condition. The existing utilities are adequate, and the consideration about a new monopole does not apply. The project would enhance communications in the area.

Motion made to grant a special permit to install antenna lines and equipment on the existing telecommunications facility. Motion unan. approved 5-0-0.

The members determined that the set back requirements for the building and the height of the tower modifications require a variance from the dimensional requirements under Section 2320. The members determined that granting a variance would have no impact on the neighborhood (with the exception of the door, which is designed to swing out in such a way as to extend across the property line and over the property of an abutter). The members determined that granting a variance would have no other affect.

Motion made to grant a variance from the height restrictions of the tower and side and rear set back requirements for the 12' x 12' building, subject to the condition that Nextel Communications, Inc. obtain an easement from the property owner(s) (currently Mark Russo) over whose land the door of the building swings open. Motion unan. approved 5-0-0.

- III. Willingham/Van Eps Bed and Breakfast: Chair Olszewski stated that the Board was due to continue a public hearing on the application of Kelli Willingham and John Van Eps for a bed and breakfast on the their property on Lower Road. The hearing had opened on August 5, 2004 and had been continued to the present date. Chair Olszewski reported receiving a letter from the Willingham/Van Eps household requesting a continuance of their hearing to September 16, 2004 as they are currently out of town. Motion made to continue the public hearing on their application to September 16, 2004. Motion unan. approved 5-0-0.

Meeting adjourned.

Respectfully submitted,

David Nixon  
Town Administrator