

TOWN OF MEDWAY
ZONING BOARD OF APPEALS

MINUTES OF MEETING JANUARY 19, 2011

All five members of the Board were present. The Chair called the meeting to order at 7.45 p.m.

By unanimous consent, the Board agreed to hear the application of Metro PCS.

Mr. Squires appeared on behalf of the applicant and stated that the application related to the installation of a 26 inch microwave dish antenna, to be added to the panels previously permitted and already installed. The dish will be added at about the 111 foot level, just above the existing Metro PCS array, which is at the 107 foot level.

At this point, there were no public questions or comments, and the Board agreed unanimously to a ten minute recess so Board members could study the detailed information packet provided at the hearing.

The hearing resumed at 8:05 pm, at which time Mr. Musmanno raised the question of the required FCC statement. His attention was directed to Paragraph 6 of the affidavit provided, which stated that there was 156 feet from the base of the existing tower to the nearest property lines. Mr. Squires stated that the total height of the dish structure would not exceed about four feet, but he could not state with certainty which frequency band the antenna would be using.

Mr. Biocchi noted that noise was a matter of concern to neighbors; Mr. Squires stated that the dish would not cause any additional noise. In response to a question from Mr. Cole, Mr. Squires confirmed that the existing whip antenna would be removed at the same time that the dish was installed.

There were no public questions or comments. On a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the hearing was closed.

The Board then consented unanimously to hear the application of Mr. Bryn Smith, who appeared on his own behalf. Mr. Smith stated that there were no records of the history of the house in question but that tax records show that it had long been

taxed as a multi-family house. However, the Zoning Enforcement Officer says that there is no permit for a four family dwelling on file.

After a lengthy and rather inconclusive discussion, during which it was pointed out to the applicant that he might experience difficulty in meeting the criteria for a variance and that it might be in his interests to require a formal decision from the Zoning Enforcement Officer as to whether the subject lot was legally a four family dwelling, which decision could then be appealed to the Board, the applicant requested to withdraw the application without prejudice. A motion to this effect was moved by Mr. Musmanno, seconded by Mr. Cole and passed unanimously.

Mr. Musmanno then made a motion to accept the Minutes of the December 22 meeting but the motion failed for lack of a second. The Board then agreed unanimously to deliberate on the application of Metro PCS.

On a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, it was found that the applicant had demonstrated compliance with all the stipulations of Section V.S.2 of the Zoning ByLaw. On a motion made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously, it was found that the proposed modification of the existing structure would not cause substantial detriment to the public good. Further, on a motion made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously, it was found that the grant of the requested special permit to the applicant would not be inconsistent with any of the criteria set forth in Section III.J of the Zoning ByLaw. Finally, on a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board granted a special permit to Metro PCS for the installation of the antenna substantially as shown on the submitted plans.

A motion was made by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously to accept the minutes of the December 22 meeting.

On a motion made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously, the Board adopted (by a vote of 4-0, with Mr. Gluckler abstaining) the decision on the application of Delphic Associates as submitted by the Clerk. A motion to make certain modifications in the decision was made by Mr. Musmanno, seconded by Mr. Cole and passed by unanimous consent.

The Board proceeded to review the application of Mr. Curley. After some discussion, a motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to reject the application, return the fee paid, and request additional information as to what type of special permit is sought and the reasons why such a special permit is justified.

On a motion made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, the Board adjourned at 9:57 pm.