



Approved 6-28-11

**Zoning Board of Appeals
Meeting Minutes
March 22, 2011**

Members present: Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Chan Byun

Others present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Elaine Rower, Board Secretary; Attorney Francis Parisi; Rick Leif; Ben Davies; Sue Brackett; Joan Pagliaroni

Chairman Rand called the meeting to order at 7:00pm

Chairman Rand explained that the board had received a letter requesting a continuance of the hearing for 6 Church Street. He noted that the applicant had recently met with the Design Review Committee and will be revising their plans.

Public Hearing to consider the petition of US Wireless, Inc. and T-Mobile Northeast, LLC for a Variance/Special Permit to allow a Wireless Communication Facility to be located less than the required distance from the property line of a school, on the property located at 211 Main Street

Attorney Francis Parisi explained that US Wireless is an independent real estate developer and tower company that works with wireless providers to cite facilities throughout the Commonwealth, and T-Mobile is one of largest telecommunications companies in the country. He also noted that T-Mobile is aggressively building out their network to increase coverage and improve the quality of their coverage. Attorney Parisi stated that, since more and more people are using cell phones as their primary means of communication, it is necessary to provide a better quality signal to support the demand.

Attorney Parisi noted that T-Mobile had originally come before the town with a proposal for an alternate site that was denied because the location was deemed inappropriate, primarily due to its close proximity to a school. Since then, they have had discussions with the town about locating a tower on town land, and US Wireless was the successful bidder on an RFP to replace the tower behind the police station. This will result in rent being paid to the town, and provide a higher and stronger tower for the public safety antennas. Attorney Parisi stated that both the Police Chief and Fire Chief have provided letters voicing support of this proposal.

Attorney Parisi explained that the applicants have applied to the Planning Board for a special permit, but are before the ZBA seeking one dimensional variance to allow for the placement of

the tower within 1000 feet of a school property line. He noted that the tower itself will be substantially more than 1000 feet from the school building, but not from the property line. He stated that all other issues to be addressed are within the purview of the Planning Board.

Attorney Parisi introduced Peter Fales, Centerline Communications LLC and Chris Hesse, Chief Development Officer, US Wireless Inc, who are here tonight to help answer any questions or concerns that might arise.

Chairman Rand asked the height of the existing tower, which Mr. Parisi stated he believes to be about 120 feet. Chairman Rand asked why the applicant is seeking permission to construct a 195 foot tower. Attorney Parisi commented that the existing tower is not tall enough or strong enough to accommodate more antennas. He explained that T-Mobile has determined that their antennas need to be at 165 feet and, per the RFP, the public safety antennas must be above that. He noted that the tower itself will only be 175 feet tall, but the public safety antennas will extend beyond that.

Mr. Rutan asked Attorney Parisi to describe access to the tower and how it will be secured so that anyone who may venture over from the nearby baseball fields will not be able to get into the enclosure. Mr. Parisi explained that the facility will be surrounded by a chain link fence, approximately 8 feet tall, and all equipment will be secured inside the tower. He noted that the proposed tower is designed as a monopole, so that there will be nothing to climb.

Mr. Rutan asked if there will be any exposed high voltage. Mr. Hesse commented that the tower utilizes standard electrical service through a shielded coaxial cable, so there is no real significant power running through it.

Mr. Byun asked if advancements in technology would allow for anything less obvious than what is being proposed. Attorney Parisi explained that the whip antennas that are used for the public safety antennas really cannot be located inside the pole but must be located on top so that the structure itself does not become an impediment. In addition, the proposed tower is the best option to allow for future use by other telecommunications companies.

Mr. Byun questioned why the existing tower could not simply be upgraded. Mr. Rutan voiced his understanding that the existing tower is in a state of decline. Ms. Joubert confirmed that it is, noting that it can no longer be climbed because of its deteriorated condition.

Chairman Rand asked why T-Mobile cannot resolve their coverage issue utilizing the existing tower on Bearfoot Road. Attorney Parisi explained that a tower is needed in the general vicinity of the police station to resolve the coverage gap along the eastern side of Northborough. He noted that, topographically, this is an area of much lower elevation so requires them to be in a much more specific location.

Mr. Byun stated that, given the constant improvements in this technology, he would imagine that future requirements will be able to be met with smaller antennas and shorter towers. Attorney Parisi stated that this is actually not the case. He noted that, as the

telecommunications companies introduce newer generations of technology, they still must meet the needs of their customers with earlier generation phones. This results in each cell site being more complicated as the providers seek to accommodate past, current, and future technologies.

Mr. Byun asked if it is possible to place a restriction on the number of antennas on the pole. Attorney Parisi reiterated that the applicant is before this board strictly for a dimensional variance, but noted that any changes to the tower after approval would require that the applicant come back to the town.

Mr. Kane asked what would be the detriment to public safety if the tower is not approved. Attorney Parisi reiterated that the town has already determined that the public safety tower needs to be replaced and that there is clearly a need for a cell tower in that vicinity.

Chairman Rand asked Attorney Parisi if he has a plan showing the location of the school in relation to the proposed tower. Mr. Fales provided a drawing illustrating the locations of all nearby schools and commented that there are no parcels in this vicinity, public or private, that would be more than 1000 feet from a school property because there are so many schools in the area. Ms. Joubert stated that she had worked with the town's GIS map and noted that the tower will be located approximately 100 feet from the DPW barn. She also indicated that the distance between the corner of the lot where the police station sits to the corner of the school building is approximately 996 feet, and the tower will be further away than that.

Ms. Joubert confirmed that the board has received letters from both the Police Chief and the Fire Chief voicing support of this application.

Sue Brackett, 29 East Main Street, asked how many trees will need to be removed. Mr. Hesse indicated that approximately 3 to 5 trees will need to be removed inside the leased area. Ms. Brackett asked if there will be some type of landscaping buffer. Mr. Hesse noted that there will be an arborvitae screening facing Main Street, and the berm and natural barrier between the site and the baseball fields will be maintained.

Ben Davies, 168 South Street, asked if there are any plans to remove the unsafe tower that is currently on the site. Attorney Parisi confirmed that a requirement of the RFP is to remove the existing tower once the new tower is operational.

Joan Pagliaroni, 197 Main Street, voiced opposition because the proposed tower will be too close to her property.

Mark Rutan made a motion to close the hearing. Richard Kane seconded, vote unanimous.

DECISIONS:

Mark Rutan voiced opinion that this appears to be a win-win for the town. He noted that the board was opposed to the original location, which was on private property and closer to the

school building than this one. He commented that, in this case, he does not believe there is any detriment to the public good and that there is considerable benefit to the town with the relocation of the safety antennas and a better structure to locate them on. Mr. Byun agreed that this location is vastly better than the previous location that was proposed. Mr. Rutan also commented that he had never been provided with a reasonable justification of the 1000 foot setback.

Mark Rutan made a motion to approve a variance to allow construction of a telecommunications tower within 1000 feet of a school property line. Richard Kane seconded, vote unanimous.

Public Hearing to consider the petition of United Bank for a Variance/Special Permit, Groundwater Protection Overlay District/Special Permit Site Plan Approval to allow the use of a bank with drive-through service in Groundwater Protection Overlay District Areas 2 and 3, on the property located at 6 Church Street

Chairman Rand reiterated that the applicant had submitted a letter requesting a continuance. Mark Rutan made a motion to continue the hearing to May 24, 2011 at 7:15PM. Richard Kane seconded, vote unanimous.

Review Minutes of the Meeting of January 25, 2011 – Richard Kane made a motion to approve the Minutes of the Meeting of January 25, 2011 as submitted. Mark Rutan seconded, vote unanimous.

Adjourned at 8:30 pm.

Respectfully submitted,

Elaine Rowe
Board Secretary