

**NEW CINGULAR WIRELESS PCS, LLC  
APPEAL OF BUILDING INSPECTOR DECISION  
PETITION FOR VARIANCE  
DECEMBER 5, 2005**

The public hearing was held in Stow Town Building and was opened at 8:00 p.m. on the appeal filed by **Anderson & Kreiger, LLP, 43 Thorndike Street, Cambridge, Mass. on behalf of New Cingular Wireless PCS, LLC, 580 Main Street, Bolton, Mass.**, concerning the determination of the Building Inspector in refusing the issuance of a building permit for a Wireless Service Facility at **501 Gleasondale Road, Stow**. Also filed was a petition for variances from Zoning Bylaw Section 3.11, "Wireless Service Facility", i.e., 3.11.7.2 – Setbacks; 3.11.7.1.a – Height; 3.11.4.2.d – Location of Facilities; to allow extension to a smokestack at **501 Gleasondale Road**. The property contains 223,000 sq. ft. and is shown on Stow Property Map U-8 as Parcel 4.

Board members present: John Clayton, Edmund Tarnuzzer, Donald Dwinells, Richard Martin (associate), Michele Shoemaker (associate).

Mr. Tarnuzzer chaired and announced that he wished to combine the two petitions into a single hearing. There was no objection. He then read the notices of hearing as they had appeared in the *Beacon Villager* on November 17 and 24, 2005. Hearing notices had been forwarded to all abutters by certified mail, return receipt. William Byron of 469 Gleasondale Road was in attendance. Mr. Tarnuzzer recited the general criteria of Sections 8, 14 and 15 of the Mass. General Laws Chapter 40A as regards the appeals procedure. He also recited the criteria to be met in grant of variance.

Representatives of Anderson & Kreiger present at the hearing were Douglas Wilkins, Jonathan McNeal and Ernesto (?). Mr. Wilkins stated that Cingular is trying to locate an antenna on the existing smokestack at the Gleasondale Mill that currently serves two other telecommunication carriers. The Building Inspector had advised that variances are necessary. There is some confusion as it is also necessary to file with the Planning Board as regards a site plan. The appeal was filed to protect the interests of Cingular in the event variances are not granted.

As regards height, the 100-foot limit of the Zoning Bylaw Section 3.11.7.1 is already exceeded in that the existing smokestack is 123 feet high. The 1,000-foot setback from residential buildings as required by Section 3.11.7.2 is difficult to meet. Mr. Wilkins said the wireless district is limiting. There had been contact with the owner of property nearby toward location of a facility, but the owner had no interest in such a proposal. The mill property is a narrow lot and, therefore, it is difficult to meet the setback requirement.

In reaching a decision on locating the antennas, consideration was given to the ability to obtain a signal over the hill to the west. It is proposed to extend the smokestack by ten (10) feet to a height of 131.3 feet. The extension would be painted to match the existing brick color. The antennas would be located within the interior of the extension. A cable ladder is proposed down the side of the smokestack with an access ladder to the lower roof. An 11-ft.-6" x 20-ft. equipment shelter is proposed to be located on the roof, finished to match those existing. The plan submitted showed existing Sprint antennas located at 121.3 feet, and T-Mobile at 96 feet. Mr. Wilkins advised that another carrier, Verizon, has spoken for a middle position on the smokestack. It was stated that a ten-foot distance between carriers was required to avoid signal interference.

With regard to the variances requested, Mr. Wilkins offered that the lot is of an odd shape. The smokestack is existing. The topography is relatively high, and there is a hill to the west that the signal

must carry over. The site is needed to fill a coverage gap. Cingular's FCC license requires adequate coverage. Drive tests were conducted to determine coverage gaps. Ernesto, engineer for Cingular, pointed out on plans features of the surrounding area, existing coverage and those areas where the signal is weak or non-existent. He said that the hill to the west blocks 75% of the signal. Improvement to the west, combined with existing coverage, almost fills in the gaps to the west. Those plans were included with the submission, however, a larger set was provided the Board.

Jonathan McNeal, real estate consultant for Cingular, reiterated that the attempt is to try to locate a site to fill the signal gaps. This site is the first preference as there are existing service facilities. He related that Edward Perkins, owner of adjacent property, was not interested in a proposal to locate a facility on his property. A location at 75 feet on the smokestack does not work, therefore, the petition to the Board. Concerning hardship, Cingular needs a site where there is a gap in order to serve the public.

Mr. Wilkins pointed out that co-location reduces the need for a number of cell towers. There will not be offensive lighting, odor emission, etc., associated with the proposal. There will be low impact, physically and otherwise. He believed the proposal met variance criteria. If the variances are granted, he would hope to go to the Building Inspector and be issued a permit. He wished to hold in abeyance the appeal of the Building Inspector until a decision on the variances is made known.

Mr. Clayton inquired into traffic counts in the immediate area. It was said to be 2,000 per day.

Mr. Tarnuzzer requested that the exact setback variances requested, in feet, be submitted to the Board. It was noted that setbacks indicated on the submitted plans were related to other than those for wireless service facilities.

Abutter William Byron had concern for impact of the proposed facility, although the antennas would be located within the extension. He pointed out that the Sprint exterior antennas were not as had been expected.

In response to an inquiry as to FAA requirements for aircraft warning, it was said that structures in excess of 200 feet would require a beacon.

The Board will meet on Wednesday, December 14th at 3:00 p.m. to discuss the petitions toward decision.

The hearing was closed at 9:02 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board