

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 14, 2005**

Board members met at Stow Town Building at 3:04 p.m. to discuss 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, the 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**.

Members present were John Clayton, Edmund Tarnuzzer, Donald Dwinells, Richard Martin (associate) and Michele Shoemaker (associate).

Douglas Wilkins of Anderson & Kreiger was present as was Jonathan McNeal and Ernesto (?).

Mr. Tarnuzzer, who had chaired the public hearing held December 5th, noted the smokestack at the Gleasondale Mill complex is 131.3 feet high. The Sprint wireless facility is located at 121.3 feet. T-Mobile antenna is at 96 feet. Information is that Verizon is proposing to locate an antenna on the same site at about 107 feet. He asked why it is necessary to add ten feet to the top of the smokestack. Mr. Wilkins responded that a lower height, say 86 feet, is not adequate to meet Cingular's requirements. A lower height would not provide coverage westward toward the Hudson Road area, parts of Hudson and toward Bolton. The applicant is attempting to cover a gap to the west in addition to the east. The drive-test data gives weight to the need to cover gaps.

Mr. Tarnuzzer was concerned that a decision to grant a variance as regards a ten-foot height extension would set precedent. Would another carrier seek a further extension? As there are already antennas on the smokestack, he had no problem with the variance requests.

Mr. Clayton did not believe the denial of the Building Inspector to issue a building permit was a problem. He suggested that a special permit for a pre-existing, non-conforming structure may be required. Mr. Wilkins replied that according to the zoning bylaw, only an application for permit to the Planning Board will be required.

Ernesto displayed the maps that demonstrated the results of the drive tests with proposed antennas at various heights. With a facility ten feet higher than 131 feet there is small improvement. He noted that the wireless zoning bylaw requires test data at heights of 75 feet, 100 feet and 125 feet. It was acknowledged there are limited sites in Stow for wireless antennas. Mr. McNeal said that the ten-foot extension would be constructed of fiberglass and not be designed to carry additional extensions.

Mr. Martin inquired if Cingular would own the extension. Mr. Wilkins responded there is a lease for the space, and they will own the materials.

Mr. Clayton suggested that a proposed decision be drafted by Mr. Tarnuzzer for review by members and by Town Counsel. Mr. Wilkins offered to prepare a draft decision to e-mail to Mr. Tarnuzzer.

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Mr. Clayton moved to allow the chair to draft language for a decision with the assistance of Mr. Wilkins. Second by Ms. Shoemaker. Voted unanimously. The members planned to meet on Tuesday, December 20th at 3:00 p.m. to review a draft decision toward acceptance and finalization.

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board