

MINUTES
ZONING BOARD OF APPEALS
JUNE 21, 2007

The meeting was held in Stow Town Building and began at 10:00 a.m. Members present were John Clayton, Edmund Tarnuzzer, Michele Shoemaker (associate) and Lee Heron (associate).

Omnipoint Communications - T-Mobile USA - The members reviewed the decision of the Planning Board in the grant of special permit modification for the First Parish Church site. The petition before the Planning Board was for modification of a previously issued special permit granted to Sprint Spectrum, L.P. at the same property in the church belfry. The decision was filed with the Town Clerk on May 24, 2007. The twenty-day appeal period expired June 13th, and there were no appeals of the decision. The Board of Appeals was granted an extension by the petitioner to June 29th for the filing of its decision on the petition for variances first heard on December 4, 2006.

The members noted a finding of the Planning Board that "Section 3.11 of the Zoning Bylaw designates the Planning Board as the Special Permit Granting Authority for wireless service facilities, and Section 3.9 of the Bylaw removes the adjudication of alterations and extensions to pre-existing non-conforming wireless service facilities from the Board of Appeals (where it would otherwise be adjudicated pursuant to M.G.L. Chapter 40A, Section 6 but for Section 3.9.1 of the Stow Zoning Bylaw), directing such adjudication to the Planning Board, subject to the terms and requirements of Section 3.11 of the Bylaw".

Ms. Shoemaker moved that the petition for variance be denied because the Planning Board, as the Special Permit Granting Authority for wireless service facilities, has granted a modification of a special permit previously issued by it for this property. No action is required by the Board of Appeals on the petition for variance. Second by Mr. Tarnuzzer. The vote was unanimous in favor.

July Meeting - Ms. Shoemaker volunteered to serve as chair for the July 2nd meeting at which a petition for variance filed by Assabet Water Company will be heard regarding replacement of two existing water storage tanks with a pedestal water storage reservoir off Dunster Drive in the Harvard Acres Subdivision.

Adjournment - The meeting adjourned at 10:15 a.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board