

**MINUTES
ZONING BOARD OF APPEALS
JANUARY 24, 2011**

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), Andrew DeMore (associate) and Ruth Sudduth (associate).

Star Tower Co. & T-Mobile Northeast

The public hearing continued from October 25, November 1, November 15, December 6, 2010 and January 10, 2011 was reopened in Stow Town Building at 7:38 p.m. on the petition filed by **Star Tower Co., LLC, 655 Summer Street, Boston and T-Mobile Northeast, LLC, 15 Commerce Way, Norton** for variances under Zoning Bylaw Sections 3.10, 5.3.7.1, 5.3.7.2 and 5.3.8 to allow construction of a wireless service facility at **215 Harvard Road (Wedge wood Pines Country Club)**. The property is shown on Stow Property Map R-4 as Parcel 39A.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), Andrew DeMore (associate), Ruth Sudduth (associate)

Representing the applicants were Attorney Brian Grossman of Prince Lobel Glovsky & Tye; Peter Fales of Centerline Communications; and Scott Hefferman, Radio Frequency Engineer. Also present were Town Counsel Jonathan Witten and Planning Board member Ernest Dodd.

In response to a question raised by the Board's consultant David Maxson at the last session concerning population in the proposed coverage area, Brian Grossman submitted to the Board relevant figures, based on Stow's population for 2009. The percentage of the population to be covered by the new cell tower is in the range of 20% to 31%. As regards an alternative, such as Kirkland Drive, dimensional variances would still be required, as they are outside the overlay district. Mr. Grossman concluded, there is no other way to fill the coverage gap with other than the proposed site.

Mr. Tarnuzzer remarked that if this site were within the overlay district, it might be acceptable to the Board. However, the Board must consider the Zoning Bylaw as it is written.

With no new information forthcoming, it was voted unanimously at 8:50 p.m. to close the hearing.

Following the close of the hearing, the Board continued to meet with Town Counsel Jonathan Witten and representatives of the applicant. Mr. Witten had drafted a decision for the Board's review, based on previous discussions. A copy was given Attorney Brian Grossman as a courtesy.

Ruth Sudduth moved to deny the variance; second by Michele Shoemaker. The members voted unanimously to deny the requested variance and to accept Mr. Witten's draft and a redrafted decision after his review of the record of the proceedings. It was noted that the deadline for filing with the Town Clerk is January 31, 2011.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board