

MINUTES
ZONING BOARD OF APPEALS
MAY 14, 2012

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).

Stow Fire Department – The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application for Special Permit filed by **Town of Stow Fire Department, 16 Crescent Street** under Section 4.2.1 of the Zoning Bylaw, “Height Regulations”, to allow installation of a 120-ft. communication tower at said address. Also filed was a petition for Variance under Section 3.9.1.4, “Non-Conforming Uses and Structures”, for westerly side yard variance of thirty-five (35) feet to allow the installation. The property is shown on Stow Property Map U-10 as Parcel 9.

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

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on April 26 and May 3, 2012. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Abutters present were Amanda Bennett of 28 Crescent Street and George Clark of 20 Crescent Street. Mr. Tarnuzzer recited the criteria to be met for grant of variance and the requirements for special permit.

Capt. John P. Benoit represented the Fire Department. The tower will replace one that was taken down by the October 31st snowstorm. The original tower was a 60-foot pole attached to a concrete pad and the side of the building. Federal regulations apply to municipal communication towers and require a free-standing unit. Currently the department leases a temporary 100-foot tower. The proposed location at the corner of the westerly lot line is the only logical place due to the presence of the septic system/field and the new access driveway to Center School to the rear. It is adjacent to a telephone pole in the rear parking lot and possibly out of the way of future fire station expansion.

FCC will change the radio frequency from the current low band to a high band. The tower serves both the Fire and Police Departments. The higher tower elevation will not require a repeater as is now required in order to reach certain parts of the town particularly Lake Boon and Harvard Acres. The Police Department tower does not provide enough power and requires a repeater on the Fire Station tower. It is also necessary to have communication with other towns, especially important with mutual aid events.

Lights atop the tower should not be required. If required, a white light would operate in daylight hours and red after dark. Currently FAA regulations do not require lights on a tower of the proposed height.

The base of the tower will be approximately 8'x8' on a 10'x10' concrete pad. The tower will taper to a lesser diameter as it reaches the top. There will be no guy wires. There are three antennas on the current tower. Up to five antennas could be located on the proposed tower, and possibly ten.

Ms. Sudduth inquired into the process as regards this tower as opposed to a cell tower. She asked if there was an alternative to this site in consideration of setbacks. Capt. Benoit advised there is no alternative to this site. Any off-site location would require expense with repeaters, telephone lines and possible shelter construction.

Abutters Bennett and Clark questioned the 120-ft. height as too tall and not in keeping with the rural character of the town center. Mr. Clark inquired if it would not make sense to wait until there is a new fire station. Capt. Benoit advised that the insurance claim expires May 31st after which the Town would have to assume the entire cost of a replacement tower. A monopole tower would require guy wires for support, whereas the proposed tower is free-standing.

Capt. Benoit said there is investigation into the cost of a repeater on the privately-owned Spindle Hill cell tower.

A site visit was planned for Thursday, May 17th at 9:00 a.m.

The hearing was closed at 8:10 p.m.

Villages at Stow – A request was received through the Planning Board for approval of the installation of a street light on utility pole No. 129 at the intersection of Great Road, as required by Note 47 on Sheet Plan 24 of 28. Habitech representative David Coia has contacted Hudson Light & Power Dept. and was informed that only full cut-off fixtures are installed by them which do meet the Town's bylaw requirement. It was voted unanimously to approve the installation.

Comprehensive Permit Task Force – A request was received from the Planning Board for a ZBA member to be officially appointed as a representative to the Comprehensive Permit Policy Task Force. William Byron has attended several of the meetings and expressed willingness to accept the appointment. It was voted unanimously to appoint Mr. Byron as the Board's representative to the Task Force.

Adjournment – The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board