

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, July 14, 2010

Present: Elizabeth Banks
Marge Cooney
Thomas Creeden
Adam Gaudette, Chairman
Pat Jeffries
Chris Mattioli
Maryann Thorpe

Also Present: Jean Bubon, Town Planner
Diane Trapasso, Administrative Assistant

Mr. Gaudette opened the meeting at 6:30 PM.

The Board introduced themselves.

Mr. Gaudette welcomed back Ms. Cooney as a member of the Board.

Mr. Gaudette read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Mattioli to approve the minutes of June 9, 2010.

2nd: Ms. Banks

Discussion: None

Vote: 6 – 0 – 1 (Ms. Cooney)

DETERMINATION – JOHN ARGITIS – REQUESTING TO CONSTRUCT A SECOND STORY TO THE EXISTING HOUSE. THE PROPERTY IS LOCATED AT 146 LAKE ROAD.

Materials Reviewed:

Plan entitled “Proposed Site Plan for John J. Argitis – 146 Lake Road, Sturbridge, MA” Plan Date 6/25/10, DWG#10123. Prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge MA 01566.

Plan entitled “Building Elevations & 2nd Floor Plan for John Argitis – 146 Lake Road, Sturbridge, MA”. Plans are on file in the records of the Planning Department.

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. He stated that the lot was created prior to 1964 and the existing structure was built prior to 1940 both conditions predated zoning. The existing lot and structure do not conform with the current zoning bylaw in lot area (1.0 AC. required, 0.19 AC. Existing), in street frontage (150' required, 13.17' existing), and in side yard setback (20' required, 0.5' existing).

He stated that the applicant is requesting to construct a second story over the southerly portion of the existing structure and a roof over the existing entry deck on the southerly side of the house. The proposed improvements do not increase the non-conformity of the structure or lot and does not create additional non-conformities.

Mr. Gaudette read the memos from the following departments:

- Ms. Rusiecki, BOH Agent – dated 7/8/2010
- Ms. Jacque, Conservation Commission Agent – dated 7/7/2010
- Mr. Lindberg, Building Commissioner/ZEO – dated 7/9/2010
- Ms. Bubon, Town Planner – dated 7/13/2010

Mr. Creeden had a concern over the sun casting a shadow to the next door neighbor.

Mr. Jalbert stated that there would not be any shadow.

Motion: Made by Ms. Cooney to grant the Determination to John J. Argitis for the property located at 146 Lake Road for the plan dated 6/25/2010, DWG #10123. The Determination does not intensify the existing or create additional non-conformities, and the owner may apply for a building permit for the described activities as shown on the attached survey forthwith.

2nd: Ms. Jeffries

Discussion: None

Vote: 7 – 0

CORRESPONDENCE

Top Ten Changes in the Open Meeting Law from Kopelman & Paige

Letter from CHAPA – Re: M.G.L. Chapter 40B End of Project Review

OLD BUSINESS/NEW BUSINESS

None

CONTINUATION OF THE PUBLIC HEARING OF METROPCS, LLC IS REQUESTING A VARIANCE AND SPECIAL PERMIT TO ERECT A

TELECOMMUNICATIONS TOWER. THE PROPERTY IS LOCATED AT 67 ROUTE 84 (DPW PROPERTY).

Materials Reviewed:

Report from Anderson & Kreiger – dated 6/8/2010

Letter from Anderson & Kreiger – dated 6/10/2010 – MetroPCS Massachusetts, LLC agrees to the continuance of the Board’s public hearing for zoning relief for a Wireless Communication Facility to Wednesday, July 14, 2010 @ 7:05 PM

Report from Anderson & Kreiger – dated 7/13/2010

Report from Mark F. Hutchins – Radiofrequency Engineer – dated 7/2/2010

Letter from the Sturbridge Hills Condominium Association – dated 7/13/2010

Handwritten letter from Mr. Kreiger – dated 7/14/2010 – stating that the applicant consents to an extension of time for written decision by the ZBA to August 31, 2010

Mr. Gaudette gave a brief summary and time line of the status of the application to this date.

Mr. Kreiger of Anderson & Kreiger went through the letter of June 8, 2010, answering the concerns from the June 9, 2010 meeting:

- Written confirmation from the State Police declining use of their tower
- Map of the Town’s Wireless Communication Overlay District
- Supplement RF Report with potential alternative sites
- Documentation confirming notice of the May 12, 2010 Board public hearing to the trustees of the Sturbridge Hills Condominiums

Mr. Kreiger also went through the report dated July 13, 2010 which answers the concerns of the DPW Director’s report of May 12, 2010.

Mr. Hutchins, Radiofrequency Engineer gave his report. His conclusions are the following:

- MertoPCS has shown a two-mile section of I-84 near and to the end south of the proposed facility, almost one mile of Rt. 20 east of its intersection with Brookfield Road (Rt. 148), and the residential area adjacent to Cedar Pond fail to meet a reasonable threshold for adequate service. This constitutes a substantial gap in MetroPCS coverage which the proposed facility will fill.
- Independent propagation modeling has corroborated the validity of MetroPCS mapping and coverage claims.
- The Search Ring map correctly denotes an area within which a facility must be located in order to close coverage gaps while avoiding interference to other nearby MetroPCS facilities. While the alternate location at 75 Farquhar Road is within the search area, it only

provides relief to its south and southwest, leaving other gaps (along Shattuck Road west of the proposed facility, along Rt. 20, and on either side of Cedar Pond) unimproved. This alternative site may also have development issues related to access and wetlands.

- MetroPCS has demonstrated that existing structures are either not available, as is the case with State Police tower, or not viable, as is the case with the two water tanks that were studied.
- Due to location and terrain, the proposed 130' tower is uniquely positioned to remedy the coverage gaps. Coverage is clearly comprised by locating antennas just above the trees, and allowance for three additional collocation providers makes it less likely there will be tower proliferation, since many personal wireless service providers face the same technical challenges and customer expectations. Therefore, the requested height appears to be reasonable.

The Board still had issues and concerns and would like more information and asked for the following:

- Height of the tower down to 115' – new photo simulations – new revised fall zone map
- Other sites should be analyzed – specifically private sites
- Town land – 800+ acres – OSV
- DPW Directors response
- State Police Tower

Mr. Heywood of 95 Colonial Drive and Treasurer of Sturbridge Hills Condominium Association submitted a letter requesting that the Board deny the Variance to MetroPCS.

Other residents that spoke and against the tower and asked to look at other sites were the following:

- Mr. Cass – 112 Colonial Drive
- Ms. Smiley – 91 Colonial Drive
- Mr. Fontaine – 109 Colonial Drive
- Mr. Carlson – 120 Colonial Drive

Mr. Kreiger stated that they will make a concession in the height of the tower, approach the State Police again, present to the Board revised fall zone maps and look at the Town- owned land at OSV.

Mr. Kreiger submitted a handwritten letter consenting to a continuation to August 31, 2010.

Motion: Made by Ms. Jeffries to continue the Public Hearing for MetroPCS to August 18, 2010 @ 6:45 PM.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0 – 1 (Ms. Cooney)

NEXT MEETING

August 18, 2010 @ 6:30 PM

On a motion made by Mr. Creeden, seconded by Ms. Jeffries and voted unanimously, the meeting adjourned at 9:45 PM.