

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
DECEMBER 17, 2007

The Board consisted of:

Jeffrey P. Klofft, Chairman  
Nancy G. Rubenstein, Acting Clerk  
Stephen A. Garanin  
Jonas D.L. McCray, Associate  
Benjamin D. Stevenson, Associate

Notice was published in the Sudbury Town Crier on November 29, and December 6, 2007, posted, mailed and read at this hearing.

Mr. Klofft, Chairman, explained the requirements necessary to substantiate the granting of variances and special permits. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

The Board was in receipt of a letter dated December 10, 2007 from Jonathan Gossels, 11 Spiller Circle, objecting to locating monopoles for wireless facilities in residentially zoned areas of town.

Attorney Jennifer Lewis was present, representing the applicant, Omnipoint Communications (T-Mobile) for a Use Variance to locate a wireless communications facility outside the Wireless Overlay District, a Dimensional Variance to locate within 500 feet from a residential lot line and within 1,000 feet from a school building, and a Special Permit to install and operate a wireless communications facility consisting of a 100-foot monopole and associated equipment at Lot 800 Pratts Mill Road which is owned by the Sudbury Water District and zoned Residential A-1. Also present was Sameer Parakkavetty, RF Engineer.

Ms. Lewis explained the process by which this site was selected. She said properties are targeted by means of computer models, drive testing and customer feedback. Once gaps are located, a team consisting of a site acquisition specialist, zoning attorney, construction specialist and RF engineer try to find parcels of land which can be leased and will work from zoning, construction, and RF frequency standpoint, and provide the necessary coverage. Ms. Lewis said this property came about through an RFP from the Sudbury Water District to lease the property and is necessary to cover a substantial coverage gap in the network.

Copies of the balloon test which were conducted on December 15<sup>th</sup> were handed out by Ms. Lewis for the record.

Sameer Parakkavetty, RF Engineer, displayed and explained the coverage maps of this area, copies of which were submitted with the application. The first map shows existing

coverage in green with the white areas depicting either a lack of coverage or unsustainable coverage. He pointed out the site of the proposed facility.

The second map shows the anticipated coverage (pink) which would be provided by the proposed installation just west of Maynard Road.

Mr. Klofft said philosophically Sudbury is not opposed to having wireless communications facilities in town. However, he said the preference is to find ways to use stealth poles within the overlay district to close the coverage gaps. He asked whether anything was done to explore those alternatives.

Mr. Parakkavetty said three sites which were explored as alternative sites: (1) the Swendenborg Church (85-foot monopole), 120 Moore Road (100-foot monopole) and 96 Morse Road (85-foot monopole). He distributed maps of those areas which showed coverage for those alternative sites, as well as the Water District property and on-air sites. He said none of those sites would provide the coverage needed.

Mr. Klofft asked what was blocking the ability to obtain coverage, as it seemed to him not to be the terrain.

Mr. Parakkavetty said Maynard Road itself is not terrain affected although there are some huge trees around. However, off road there are terrain differences. He said he tried to go lower before considering 100 feet; however, a lesser height would not provide the needed coverage.

Ms. Rubenstein said it seemed like coverage from Willis Hill (2<sup>nd</sup> set of applications to be heard following this one) included more of Route 27 and more of the main thoroughfare whereas this one covers more residential.

Mr. Parakkavetty said the intent is to cover different areas on Maynard Road, and with these applications these sites were found to be the right candidates to cover both areas together.

Mr. Stevenson asked how reliable coverage is defined. Mr. Parakkavetty replied that it is determined by T-Mobile calculations/standards for the PCS coverage needed. He said PCS requires a smaller bandwidth.

Mr. McCray asked whether multiple sites with smaller sites within the overlay district were considered.

Mr. Parakkavetty said taking Sudbury as a whole, smaller structures would be in the trees which makes it very difficult for the signal to travel. Several structures would be required and it would not be that reliable. This is considered when selecting sites, but for this location it would not work.

Jonathan Gossels, 11 Spiller Circle, abutter, (and ZBA member, although not sitting for these applications) said his concern was a general point of locating monopoles in residential

zones. He said as a variance, it sets a precedent for siting monopoles on any residential parcel of land and did not feel it was the right way to go.

Referring to Mr. Gossel's comments and letter to the Board, Mr. Klofft noted his own general concern with regard to siting wireless facilities in residential zones. As a result, he would suggest that the Board hire a consultant to review at the proposal to understand whether this is the only alternative for this particular case.

Ms. Lewis said typically Omnipoint has been agreeable and she will bring it up to them.

Mr. Klofft suggested Ms. Lewis coordinate with the Planning Director on the Scope of Work.

Referring to the balloon test, Mr. Klofft said 65-foot trees are mentioned. For that height he felt a 100-foot pole seemed high and would be a significantly prominent feature.

Mr. Parakkavetty said although the trees may not be high in some areas, they are in other areas where the 100-ft would be required. To get the maximum coverage would require a 100-foot pole.

Ms. Lewis added that the pole will allow for co-location.

Discussion followed on the role of a consultant. Mr. Klofft felt a consultant should first to review the RF plan to determine whether a 100-foot pole, if constructed, constructed it would provide the coverage proposed – and to also look at other alternatives that could be used inside the overlay district that could potentially could cover some of the gap.

Elizabeth Quirk, 20 Scottswood Drive, abutter (and ZBA member, although not sitting for these applications) pointed out that the Sudbury Water District is a separate entity. It is not town-owned property and does not fall within the town overlay district for wireless communications facilities.

Daniel Jacob, 19 Washington Drive suggested the Board might consider that granting this permit with a monopole could eliminate a lot of other poles in the area.

Mr. Klofft said if the poles are placed in the most advantageous position from a RF standpoint, the number of poles needed may be less. However, he said from a legal standpoint, granting a variance could set a precedent where there is nothing to prevent a resident from deciding to lease part of their land to put a monopole on.

Mr. Klofft added that from the carriers' point of view, they have gone through a computer modeling and have selected this site as being able to provide the needed coverage. However, he said there are other factors that apply to this as well. He referred to a previous application by Omnipoint for a monopole on Route 20 which, after several public hearings, was

changed to two stealth facilities which provide the carrier with the coverage they need without the need for a pole.

A motion was then made, seconded and unanimously voted to authorize the Planning Director to prepare a request for proposal to hire a consultant for the purpose of reviewing these applications and to determine whether there are any alternative sites on which to locate a wireless communications facility which would provide the coverage needed by the applicant.

Mr. Garanin requested the height of the proposed pole be checked to be sure it would be adequate for co-location.

The hearing was continued to February 4, 2008.

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Attorney Jennifer Lewis was present, representing the applicant, Omnipoint Communications (T-Mobile) for a Use Variance to locate a wireless communications facility outside the Wireless Overlay District, a Dimensional Variance to locate within 500 feet from a residential lot line and within 125 feet from the property line, and a Special Permit to install and operate a wireless communications facility consisting of a 100-foot monopole and associated equipment at Lot 0003 Maynard Road which is owned by the Sudbury Water District and zoned Residential A-1. Also present was Sameer Parakkavetty, RF Engineer.

Ms. Lewis explained that Omnipoint was unable to conduct the balloon test on either December 15 or 16 because of the weather conditions.

Currently there are wireless facilities located on this property – one is on the watertank, the other is a monopole. Both the monopole and antennas predate the Wireless Bylaw.

Sameer Parakkavetty, RF Engineer displayed and explained the coverage maps of this area. He said the process for site selection was the same as for the previous application for Pratts Mill Road. He pointed out the coverage gap and the area where this site would cover.

Mr. Klofft reviewed the coverage maps for this site and the Pratts Mill site. He said there seemed to be a significant overlap of the two facilities.

Mr. Parakkavetty agreed that there was some overlap, but together both sites will provide seamless communication.

Ms. Lewis noted the site was selected through an RFP from the Sudbury Water District.

Nancy MacPhee, 5 Marlboro Road, abutter, asked whether construction of a monopole would create the potential for numerous carriers to co-locate on that pole.

Mr. Klofft said the number of co-locators would be limited by the height of the pole.

Elizabeth Quirk, 20 Scottswood Drive, resident (and ZBA member, although not sitting for this application) asked whether Omnipoint could co-locate on the existing facilities.

Mr. Parakkavetty said the 80.5-foot pole wouldn't work from a frequency standpoint.

Jonathan Gossels, 11 Spiller Circle, resident (and ZBA member, although not sitting for this application) noted that the 80-feet is on top of a tall hill – and not the same as from level ground.

Mr. Klofft said given that this is spilling down into the area of the previous application, he asked whether a 120-foot pole would provide coverage to eliminate the Pratts Mill application.

Mr. Parakkavetty said it would not provide the needed coverage. He said he had considered 120-feet and showed from the map what that height would cover.

Mr. Garanin asked whether the applicant could redirect the antennas to co-locate.

Mr. Parakkavetty said they typically use 3 sectors and would not be able to co-locate.

Mr. Klofft said there is a commercial property in Maynard, further up on Route 27 on the western side. He said if that could cover another quadrant could Omnipoint turn its antenna further south.

Mr. Parakkavetty said he could look at it and check it out.

Mr. Klofft said he would like to look at the possibility of a higher pole. Also, the Board needs to see a balloon test. He said he would like to have some understanding of whether there can be some south aiming coverage given that there is an overlap, adding that if there was more of an overlap there might not be a need to put another pole further south because it would be approaching Boston Post Road and back into more commercial area.

Mr. Gossels voiced his concern and objection to locating monopoles on residentially zoned land.

Mr. Klofft, while sympathetic, felt that in this case there may be mitigating circumstances because there is a pre-existing condition, prior to the creation of the overlay district, that would make it unique and different from another one which might come before the Board.

Discussion followed on other facilities in the area. Mr. Klofft felt there were a couple of existing facilities which were not shown on the maps.

Ms. Quirk said she would like to see how much of the Pratts Mill area would be covered by the Taylor Rental installation.

Ms. MacPhee asked whether there were other proposals in other towns that would overlap into the coverage being proposed tonight.

Ms. Lewis said they take a look at all the sites in the area and how they impact the area. She said Omnipoint doesn't want to spend all their resources on sites that would be redundant.

Mr. Klofft felt it would be helpful to know if there are any sites proposed that might overlap.

Mr. Stevenson asked if there was a master map of all the wireless facilities in town.

It was agreed to ask the Planning Director if a map exists.

A motion was then made, seconded and unanimously approved to authorize the Planning Director to prepare a request for proposal to hire a consultant for the purpose of reviewing these applications and to determine whether there are any alternative sites on which to locate a wireless communications facility which would provide the coverage needed by the applicant.

The hearing was continued to February 4, 2008.

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