

SUDBURY ZONING BOARD OF APPEALS
MINUTES
JUNE 1, 2015

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Nicholas B. Palmer, Clerk; John Riordan and William Ray.

The meeting was open at 7:30 p.m.

Mr. Palmer read the hearing notice published on the Sudbury Town Crier.

1. CONTINUATION: Public Hearing, Case 15-12 - GTP Acquisition Partners II, LLC – American tower(formerly Tower Assets Newco II, LLC,) applicant, and Sudbury Research Center, Inc., owner, for renewal of Special Permit 11-28, for the continued operation of a 120-foot flagpole style, 2-carrier monopole, including associated equipment, 142 North Road, Assessor's Map C11-0300, Research District #1.

Michael S. Queenan, Attorney, U.S. Tower Division from Woburn, MA., representing the Applicant shared a letter dated June 1, 2015; that discusses an evaluation and inspection of the tower, including photos. This letter updates the Board on the results of the recent inspection of the cell tower. The letter contained a comprehensive list of items in need of repair. Attny. Queenan indicated that these repairs will be completed in a time frame of 45 days.

Mr. Queenan added that considering that this site is near a day care and a private school, American Tower is looking to resolved these issues sooner than 45 days.

Mr. Gossels states that the tower is problematic and as part of the permit the Board had put in place a procedure plan so this tower will operate safely. It seems that American Tower is not enforcing this procedure with their tenants and the technicians of the tenants are making additional holes, using multiple size bolts, perhaps even putting accessories upside down, because it seems that they are not fitting correctly.

Mr. Queenan replied that this is the reason why they would like to make all these repairs and work as a good neighbor. They could have a supervisor visit the site and make sure that the bolts are put back in place, and enforce the procedure with the tenants when they are doing modifications to the equipment. Attny. Queenan assured the Board that there will be better communication between the owner and the tenant.

Mr. Gossels stated that clearly the tenant is violating the rules and that the owners, American Tower, are not enforcing the rules and proper procedure.

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Mr. Palmer feels that there is a process that can ensure that the modifications are done correctly. Panels and shrouds do not weight that much but if they were to come down from 100 feet could be a dangerous situation.

Mr. O'Brien asked the applicant if American Tower is confident that nothing is missing on the list of items to be repaired as detailed in letter date June 1, 2015.

Mr. Queenan replied that the list is complete to the best of his knowledge.

Mr. Gossels asks why the Board did not received the inspection report as required by the Special Permit.

Mr. Queenan apologized and stated that he was told by his Senior Legal Counsel that this report is proprietary.

Mr. Palmer asked the applicant if the inspector's conclusions could be summarized for the Board.

Mr. O'Brien stated that the Board would like to see the report and the drawings.

Mr. Palmer asked what is the proprietary information about the tower that the Board could not see.

Mr. Gossels affirmed that the Board will not be publishing the report, will not attach the report to their decision or to the Minutes for this case. This report will exclusively be used to make a decision on this case and be given back to the applicant if necessary.

Mr. Palmer asked the applicant if he had the chance to read the report.

Mr. Queenan replied that he had the chance to read most of the report and his main concerns were the issues of the bolts.

Mr. O'Brien expressed that the Board would like to have more confidence that this report identifies that those are the main issues. The Board would like to have confidence also that the drawings that are being provided show sufficient modification for tower safety. If the Board could see this documentation at the next meeting, it would be helpful in making a decision on this case.

Mr. Palmer asked the applicant if as landlord they have a list of conditions that the tenants need to follow when replacing panels.

Mr. Gossels stated that the right panels are supposed to be used and the bolts need to go in the right places.

The Board requested to see the report, technical drawings, a description of the shrouds and bolts; and would like to have this information provided prior to the meeting scheduled on July 13.

Motion was made by Mr. O'Brien and seconded by Mr. Gossels to continue this case to the July 13, 2015 meeting at 7:15 p.m.

VOTED: In favor: 5 (unanimous) Opposed: 0

2. Public Hearing, ROSALIND MORVILLE, applicant and owner, for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to demolish and reconstruct a 2 stall garage measuring approximately 576 square feet on a nonconforming lot that would exceed the total area of the original structure and result in a side yard deficiency of 11 feet, property located at 43 Pinewood Avenue, Assessor's Map F04-0619, Residential Zone A-1. Case 15-18.

Mrs. Morville presented this application to the Board and explained their intent to build a new garage that in appearance will match the main house; pointing out that the current structure is old, is not in a safe condition and is infested with termites and powder post beetles. The new garage structure will be slightly larger and be located a little farther away from neighbors. Lights will be shine on driveway towards the street there will be no neighbor interference. Applicants have contacted neighbors and they have no issues with this project.

The Board studied the plans presented, noting that this seems like a pre-fab plan from Home Depot, the garage will be 13'6 feet high, it will be 24'x24' in dimensions.

No neighbors were present to comment on this application.

Motion was made by Mr. O'Brien and seconded by Mr. Riordan to approve this application.

VOTED: 5 (unanimous) Opposed: 0

3. Public Hearing, DEBORAH WOLOZIN AND ROBERT MORRISON, applicants and owners, for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to demolish and reconstruct a garage measuring approximately 480 square feet on a nonconforming lot that would exceed the total area of the original structure and result in a side yard setback deficiency of 10 feet and a front yard setback deficiency of 23 feet, property located at 16 October Road, Assessor's Map F06-0614, Residential Zone A-1. Case 15-19.

Deborah Wolozin and Robert Morrison were present at this hearing and explained that they

will be replacing the garage on the property, as the existing garage is very limiting. Looking to replace it with a 2 bay garage, that will be about 5 feet away from the septic line, one foot away from the septic pipeline. Applicants are trying to keep as much distance as possible to the property line. They are planning for the future if the need to drive around to the back of the house would be necessary in the future.

Mr. O'Brien asked if are there any trees between the property line and the neighbors.

Mr. Morrison replied that there are few short shrubs and trees.

Mr. O'Brien asked the applicant why does he want to have the ability to leave enough space to drive through the back of the house.

Mr. Morrison clarified that he is not thinking on a car necessarily but maybe a front loader or a small digger if that was necessary.

Mr. O'Brien asked if Mr. Morrison had the chance to speak with Mr. Bevan.

Applicant replied that yes they have and that they seem to be OK with the project.

Mr. O'Brien asked about the height of this structure.

Mr. Morrison replied that it will be about twice of what it is right now, around 18 or 19 feet.

Mr. O'Brien asked Mr. Morrison if Mr. Bevan were to request screening, is he willing to plant shrubs?

Mr. Morrison replied that absolutely, he would do that.

Mr. Palmer reminded the applicant that he might need to meet with conservation and points out that he appreciates that the septic lines are located and highlighted in the drawings. He would like Mr. Morrison to take extra effort to locate the pipe line for the septic and clearly flag prior to the demolition and construction of the new garage.

Mr. Morrison agreed and acknowledged that he would need to do this.

Mr. Gossels stated that the way this structure is going to be presented to the neighbors will be minimal.

If Mr. Bevan requests screening up to 3 evergreen plants should be planted along the property line.

No neighbors present at this hearing.

Motion made by Mr. Gossels and seconded by Mr. Ray to approve this case.

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VOTED : 5 (unanimous) Opposed: 0

4. Approval of Meeting - Minutes May 18, 2015.

Motion to approve May 18, 2015 Minutes made by Mr. Palmer and seconded by Mr. O'Brien.

VOTED: In favor: 5 (unanimous) Opposed: 0

There being no further business, the meeting was adjourned at 8:15 p.m.

Jonathan F.X. O'Brien, Chair

Nicholas B. Palmer, Clerk

Jonathan G. Gossels

William Ray

John Riordan
