

**ZONING BOARD OF APPEALS
MEETING MINUTES
October 1, 2012**

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Attendance: William Chin (Chair), Nicholas Iannuzzi, Eric Smith, James Ryan-Fagan, and Jim Zarkadas and Jay Szklut, Staff

Absent: Craig White (Associate), Christopher Henry (Associate), and David Iaia (Associate),

7:03 p.m. Meeting called to order

Chairman William Chin welcomed everyone to the October 1 meeting of the Zoning Board of Appeals. He proceeded to give a brief outline of the process. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard.

NEW PUBLIC HEARINGS

CASE NO. 12-18, 39 AGASSIZ AVENUE: Special Permit to operate a Family Home Day Care

The applicant, Karri Benson addressed the Board stating she'd like to open a Home Day Care. She further stated she is CPR certified; the ages of the children she currently cares for are 1 year, 2 ½ years, and 11 months old. She distributed a handout to the Board of a diagram of the street and availability of parking. The Board had a copy of her Daycare handbook and her license from the state.

Chairman Chin noted that drop-off was between 7:45 and 9:00 am.

Ms. Benson stated that they did not have approval right now to utilize their back yard because they did not have a fenced in yard. She did not want to expend funds on fencing prior to approval from the ZBA. She anticipates approval from the state once a fence is installed. Until the backyard is approved, she would bring the children to the park at Beaverbrook. At the request of the Chair, she will submit proof of EEC approval of backyard use.

Mr. Iannuzzi commended her on the thoroughness of the package she submitted. He reminded her to stagger the drop offs and pick ups.

Several audience members spoke in support.

An Agassiz Ave.resident inquired if the fence the applicant would build would let in light.

Mr. Benson stated that upon approval by the Zoning Board, they will work with the neighbors to come to agreement upon a suitable fence.

No one else spoke. The Board took the matter under advisement.

As the only remaining cases on the agenda involved approval of changes to existing cell towers,

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the Board agreed to deliberate on Agassiz Avenue prior to opening the public hearings on the cell towers.

DELIBERATIONS AND VOTE

39 AGASSIZ AVE, CASE NO. 12-18 – The Board discussed whether the proposed application was not more detrimental to the neighborhood.

Mr. Iannuzzi suggested that two conditions be added to any approval.

1. That the drop offs and pick ups be staggered.
2. That the Petitioner file with the Board the EEC certification of approval for the proposed the fence .

The Board was in agreement.

MOTION: Mr. Iannuzzi moved to grant approval with the above conditions. Seconded by Mr. Zarkadas. Motion passed unanimously.

NEW PUBLIC HEARINGS

CASE NO. 12-19 – 460 CONCORD AVE: Special Permit to install dish antennae and cabling at existing cell tower.

Attorney Craig Tateronis from Prince Lobel Tye LLP and Bob Watson from Turning Mill Consultants represented the applicant, Metro PCS. Metro PCS would like to add a 1 foot diameter microwave dish to an existing 79 foot tower at the property. This new dish will allow for substantial increased network access and capacity and for users to get the maximum utility out of their wireless devices.

There was a brief discussion about differences in elevations shown on previous plans submitted. Bob Watson, Metro PCS agent, stated that sometimes the measurements were taken from the rooftop, and other times were taken at lower elevations. He said that the numbers also varied because of the various carriers – different carriers resulted in different measurements.

No one spoke in support or in opposition. The public hearing was closed and the matter taken under advisement.

CASE NO. 12-20 – 125 TRAPELO ROAD: Special Permit to install 2 dish antennas and cabling at existing cell tower.

Attorney Craig Tateronis from Prince Lobel Tye LLP and Bob Watson from Turning Mill Consultants represented the applicant, Metro PCS. Metro PCS would like to add two 1 foot diameter microwave dishes to an existing cell facility at the property. One of the dishes would be side mounted. The new dishes will allow for substantial increased network access and capacity and for users to get the maximum utility out of their wireless devices.

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A conversation between the Board members and Mr. Watson ensued about the height of the antenna poles on top of the building. It was noted that the antennae were lined up of high antennas directed at the antennas at 30 Church Street.

No one spoke in support or in opposition. The public hearing was closed and the matter taken under advisement.

CASE NO. 12-21 – 30 CHURCH STREET: Special Permit to install a dish antenna and cabling at existing cell tower.

Attorney Craig Tateronis from Prince Lobel Tye LLP and Bob Watson from Turning Mill Consultants represented the applicant, Metro PCS. Metro PCS would like to add a 1 foot diameter microwave dish to an existing cell facility at the property. The new dish will allow for substantial increased network access and capacity and for users to get the maximum utility out of their wireless devices.

Mr. Watson stated that the proposed dish antenna and cabling would be lower in height than the existing antenna, and that the cabling will run down the side of the building to the basement. The cabling will not be visible to anyone looking at the site. The antenna will be located next to the original antenna and is capable of handling a 4G capacity.

Mr. Iannuzzi inquired what the obligation of the cable company was to remove any dead antennas from the building.

Mr. Watson stated that it was an obligation of the cable company in the lease and the reason for the posting of a bond.

No one spoke in support or in opposition. The public hearing was closed and the matter taken under advisement.

DELIBERATIONS AND VOTES

460 CONCORD AVE., CASE NUMBER 12-19 – The Board discussed whether the existing conditions and bond should remain in place with the exception that no further review would be required and that there would be no change in the height requirements.

MOTION – Mr. Iannuzzi moved to grant the Special Permit subject to all existing conditions with the exception that no further review would be required and that there would be no changes in the height requirements. Seconded by Mr. Smith. Motion passed unanimously.

125 TRAPELO ROAD, CASE NUMBER 12-20 - The Board discussed whether the existing conditions and bond should remain in place with the exception that no further review would be required and that there would be no change in the height requirements.

MOTION – Mr. Chin moved to grant the Special Permit subject to all existing conditions with the exception that no further review would be required and that there would be no changes in the

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height requirements. Seconded by Mr. Iannuzzi. Motion passed unanimously.

30 CHURCH STREET, CASE NUMBER 12-21 - The Board discussed whether the existing conditions and bond should remain in place with the exception that no further review would be required and that there would be no change in the height requirements.

MOTION – Mr. Chin moved to grant the Special Permit subject to all existing conditions with the exception that no further review would be required and that there would be no changes in the height requirements. Seconded by Mr. Zarkadis. Motion passed unanimously

APPROVAL OF MINUTES

The Board deferred approval of the June and July meeting minutes until the next meeting.

Meeting Adjourned: 8:15 p.m.

12/3/2012 Minutes approved as amended.