

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JUNE 14, 2012**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Jeffrey Cohen; Stephen Henning; Carol Amick; Todd Crowley

ABSENT: Kenneth Gordon, Vice Chair; Brian Gildea, Clerk; Jeffrey Dearing

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

PRESENTATION: Mr. Cohen, Acting Clerk, read the notice of the hearing.

PETITION #029-12 – Sprint Spectrum, LP, for 75 Great Road, seeks a Special Permit per Section 4.4.5 of the Zoning By-Law to modify wireless communication facility, per plans filed.

David Archambault, the representative for Sprint Spectrum, greeted the Board and said that Sprint had been upgrading its equipment all over the country to allow for higher capacity. He noted that he had appeared before this Board about six months ago for a similar upgrade at the 216 Concord Road antenna. He stated that this application is for the antenna facility inside the steeple of the First Parish Church at 75 Great Road and consisted of swapping out three existing wireless antennas with three upgraded antennas, along with installing six Radio Head Units to an equipment cabinet. He noted that all the work will take place inside the steeple, so there would be no visible changes to the exterior.

The Board talked with the applicant about the dimensions of the equipment and antennas, along with the fiber optic wires connecting to the Church. Ms. Amick said that she realized the Board probably didn't have any control over where the power lines for this steeple go, but she would love to see them go underground, as it would make the area much more attractive. Mr. Archambault stated that he believed no one but the utility companies had any control over those lines.

Ms. Amick asked whether other carriers were on the same tower. Mr. Archambault confirmed that there were. Ms. Amick asked whether this upgrade would cause problems or conflicts with the other carriers. Mr. Archambault said there would be no such problems because all carriers at every site work under specified licensed frequencies allowed by the Federal Communication Commission (FCC). He said that if Sprint were to accidentally interfere with another company's frequency, Sprint users would be negatively affected, so it Sprint would be the first to fix the problem.

Mr. Cohen noted that some of the equipment detailed in the application is extremely heavy. He asked whether a Structural Engineer had examined this project.

Mr. Archambault said that a Structural Engineer had indeed performed a structural analysis; although it was done so recently that there was no opportunity to include it with the application. Mr. Cohen asked the applicant whether he would have a problem with the Board conditioning the Special Permit with the requirement that the structural analysis shall be submitted with the Building Permit application. Mr. Archambault said he would have no problem with that at all.

Mr. Henning asked whether there would be any increase in radiation hazards.

Mr. Archambault replied that there would not, as these are all the same kinds of antennas being swapped. Mr. Henning asked whether there were any fire suppression requirements. Mr. Archambault said that he did not believe there were, but the Fire Department will do a review of the Building Permit before the permit is issued, so they would enforce any such requirements.

Mr. Colasante opened the hearing to the public.

Kevin Latady, a resident of 2 Meyers Lane, said that, speaking as both an architect and a resident, he thought the Board should require an analysis by a Structural Engineer.

With no further comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante said that the Board has always relied on the applicants to provide the correct information for these applications, and has also relied on the Code Enforcement Department to ensure that all requirements are met. He said that he felt comfortable with this project so long as the Board conditions the motion to require a passing structural analysis from a Structural Engineer to be submitted with the Building Permit. The other members agreed.

MOTION:

Mr. Cohen moved to grant Sprint Spectrum, LP, for 75 Great Road, a Special Permit per Section 4.4.5 of the Zoning By-Law to modify wireless communication facility, per plans filed, substantially as shown on Exhibit A, set of drawings with latest revision date being 5/4/12, all inclusive, and documentation submittal package dated May 15, 2012 marked as Exhibit B, with the condition that a passing structural analysis, signed and sealed by a Structural Engineer licensed in Massachusetts, is submitted as part of the Building Permit application to the Code Enforcement Department.

Ms. Amick seconded the motion.

Voting in favor: Colasante, Cohen, Henning, Amick, and Crowley
Voting against: None
Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

BUSINESS MEETING:

5 Springs Road

Kevin Latady, the architect for 5 Springs Road, greeted the Board and stated that he was there to speak informally about an upcoming renovation project at the property, for which he will be appearing before the ZBA next month.

Mr. Latady explained that the proposed project scope was to keep the original home intact and take down the back half of the house, which consisted of a kitchen ell built in the late 1800s that is in great disrepair and a porch addition from the 1960s. He said the plan was to lift up the old house off the foundation and rest it in the back yard while a new foundation is constructed. The house will then be put back onto that new foundation along with construction of a new back ell. He stated that the existing one-car garage will be demolished and a new two car garage will be added, farther back in the yard. He added that other minor changes will be proposed as well, including upgrades to the railings, windows, and landscaping.

There was conversation about the dimensions of the house and garage, and the setbacks to the house, the adjacent cemetery, and the adjacent bank parking lot.

Mr. Latady talked with the Board about the history of the house and the importance of keeping the original house intact, to help preserve the historic character of the neighborhood.

Ms. Amick asked whether the proposal involved any tree removal. Mr. Latady said that he knew of one tree in particular at the back of the property that needed to be removed, but wasn't sure of any others yet. The drawings he showed the Board were not a detailed representation of every tree on the property.

Mr. Colasante said that this project would obviously require a Special Permit, as the house and lot are pre-existing non-conforming. He said he couldn't see any glaring concerns that the applicant would need to work out before the next meeting.

Mr. Colasante thanked the applicant for talking with the Board and said he looked forward to seeing her next month. Mr. Latady thanked the ZBA members for their time.

Village at Taylor Pond – 59 Middlesex Turnpike/3000 Taylor Pond Lane

Pamela Brown, Esq., greeted the Board and explained that, in 2008, the Board granted both a temporary and a permanent multi-tenant directory sign at the Village at Taylor Pond, the mixed-use retail and commercial site on Middlesex Turnpike. She said the purpose of the two signs was to allow for the widening of Middlesex Turnpike, and now that the widening has occurred, the temporary sign has been removed. She explained that, despite significant effort over the last several years, the retail space at the site has not been occupied as much as the owners as hoped. She said that, with this in mind, the owners have decided that a smaller sign is more appropriate to the site, as there were not as many tenants to fit on the sign, and it is for the newer, smaller sign that she would like to discuss with the Board tonight.

Ms. Brown handed out a small informational packet which detailed the sign changes; she noted that she had included a site plan showing the location of the new sign. She explained that the sign area for the approved sign was 87 square feet, whereas the sign area for the proposed sign was 26 square feet; the length of the approved sign was 7.3 feet, and the length for the proposed is 6.5 feet; and the height of the original sign was 18 feet, with the height for the proposed sign being 9.4 feet. Ms. Brown concluded that the new proposed sign is smaller than the originally granted sign in every way. She stated that she was there to request that the Board not make an actual motion but make a finding that this new sign is a minor, insignificant change to the original Special Permit.

Mr. Henning asked Ms. Brown why she had to come before the Board to make a sign smaller. Ms. Brown said that Christopher Laskey, the Code Enforcement Director, did not feel comfortable ruling that this was a minor change, so he wanted the Board to make a ruling.

There was extensive discussion about the illumination of the sign, and whether the illumination on the new sign would remain the same as it was on the old one. Ms. Brown said there would be no change to the previously approved illumination.

Mr. Crowley asked whether the construction on Middlesex Turnpike will change the placement of the sign as shown in the new handout. Ms. Brown said she doesn't believe the location will change from what is shown on the site plan, because the Middlesex Turnpike widening has already occurred along this section of the street.

Mr. Colasante said he was comfortable that this new reduced sign is indeed a minor change. The other Board members agreed.

There was further conversation about the appropriate method of approving the sign. Mr. Colasante said he would be comfortable with the Board making a finding, rather than making a motion that grants a new permit.

FINDING:

Mr. Cohen moved that the Board finds that the proposed modifications to the Village at Taylor Pond sign, previously approved under Special Permit #001-09 and dated August 25, 2008, is a minor modification that will not require repermitting.

Mr. Henning seconded the motion.

Voting in favor: Colasante, Cohen, Henning, Amick, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Meeting Minutes

Mr. Colasante called for a motion to accept the minutes of the May 10 and May 24 ZBA meetings.

Ms. Amick noted that she would abstain from voting, as she did not have a chance to review the minutes.

MOTION:

Mr. Cohen moved to accept the minutes of May 10, 2012 and May 24, 2012, as amended.

Mr. Henning seconded the motion.

Voting in favor: Colasante, Cohen, Henning, and Crowley

Voting against: None

Abstained: Amick

The motion carried, 4-0-1.

MOTION:

Mr. Henning moved to adjourn the meeting.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Cohen, Henning, Amick, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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The meeting adjourned at 9:00 PM.

Angelo Colasante, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant