

CARVER ZONING BOARD OF APPEALS
March 13, 2014
MINUTES

TOWN CLERK
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The Carver Zoning Board of Appeals held a public hearing on Thursday, March 13, 2014, at 7:00 p.m. at the Carver Town Hall.

IN ATTENDANCE: Stephen Gray, Chairman; Sharon Clarke, Vice Chair; James F. Nauen; Steven Maynard; Fran Mello

ABSENT: Walter Collins; Eric Mueller

ALSO PRESENT: Deborah Carlino, Clerk; members of the public

The Board discussed renewal of the special permit for Gail Marie Nauen of 15 Old Main Street, Carver, Massachusetts (ZBA Case No. 08-886), wherein a three year extension of the Special Permit (approved June 24, 2004; April 17, 2008; March 10, 2011) is being requested relative to a Special Permit under Article Two, Section 2242, "Home Occupation" at said address.

Mr. Nauen recused himself from this matter.

Chairman Gray stated that he would offer Ms. Nauen the right to continue her matter as she would need a unanimous vote of the Board, as there were only four (4) voting Members. She declined this offer and elected to proceed on the merits.

Ms. Nauen stated that she was continuing to do the same type of home occupation (painting/art activities). There were no changes.

MOTION: by Ms. Clarke to close the public hearing
SECOND: by Mr. Maynard
UNANIMOUSLY VOTED

MOTION: by Ms. Mello to renew the special permit for three years with the current conditions
SECOND: by Ms. Clarke
UNANIMOUSLY VOTED

Case No. 14-964 Petitioner: New Cingular Wireless PCS, LLC (AT&T), c/o TRM 16 Chestnut Street, Suite 220, Foxboro, Massachusetts, regarding property located at 0 Federal Road, Carver, Massachusetts. The applicants are seeking a Variance and/or Special Permit in order to erect a new wireless communications facility; 150' monopole and 50'x50' fenced in compound area for AT&T and future co-locators. The property is zoned Residential/Agricultural District, in accordance with Town of Carver Assessors Map 131, Lot 4-3.

Sitting on this case were: Stephen Gray, Sharon Clarke, Steven Maynard, James Nauen, and Fran Mello.

Michael Dolan, Esq. of Brown Rudnick, appeared representing New Cingular Wireless and advised that his client wanted to construct a 150' above ground level (AGL) monopole style tower, installing twelve panel antennas at the 146' AGL antenna centerline mark, together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antennas with associated electronic equipment, emergency backup power generator and other appurtenances in AT&T's proposed equipment shelter located within a compound enclosed by a chain link fence, all as depicted on the plans of record. He claimed that residential abutters would have a very limited view of the monopole, due to its proposed placement from the road and tree coverage. There would be no light on top, as this was not required per FAA regulations according to him.

Chairman Gray asked if there was a lease with the land owner.

Atty. Dolan stated that there was a lease arrangement. He also remarked that, in addition to AT&T, his client has the space for four carriers to be placed on the monopole.

Elisabeth Rutkowski, Site Acquisition Agent with TRM, explained that the closest tower was located on Rochester Road and that current coverage in the area of the proposed tower was spotty.

An abutter, of 110 Cranberry Rd., was worried that the proposed tower could spoil their panoramic views, especially if lit. She mentioned that she and her husband can see the lights from the Ocean Spray facility at night. This facility is located in the general area/direction of the proposed tower

Atty. Dolan advised that much of this area does not have adequate coverage. There may be sporadic coverage, but better coverage is needed.

Jim Kane, Senior Vice President of A.D. Makepeace Companies, noted that there is new construction being done/proposed in this area involving Makepeace, and there is more demand for wireless network. He agreed coverage was spotty in this area.

Ryan Ramos, RF Engineer with AT&T, provided an overview presentation of the current/proposed coverage within this area with pertinent maps.

Chairman Gray expressed his concern that the Plymouth Airport and the FAA be notified of this new monopole. He remarked that the light on the tower is something that has usually been required. He also wanted to know how many Carver subscribers will likely have their coverage improved based on this proposal. Finally, he asked that Carver Fire and Safety officials be notified so as to determine if they wanted to locate on the monopole, and that a copy of previous decisions re: cell towers be provided to the Applicants so that they could review typical conditions imposed by the Board in past cases.

Regarding the issue of sight line testing, Mr. Kane stated that there was not a cleared site as yet where the proposed monopole is to be located and that it would not be helpful to bring in a crane.

In the alternative, Atty. Dolan suggested that a balloon test could be performed so as to help accurately show the site and height.

It was voted unanimously to continue the hearing to April 10, 2014. A site visit and balloon test were also scheduled for Saturday, April 5th at 10 A.M.

Adjourned

Respectfully submitted,
Deborah Carlino, Clerk