

**BOARD OF ZONING APPEALS
RECORD OF MINUTES AND PROCEEDINGS
NOVEMBER 18, 2009**

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Wednesday, November 18, 2009, at 7:00pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject locus and by publication in the Weymouth News.

Present:	Richard McLeod, Chairman Francis Kenneally Robert Galewski Charles Golden Kemal Denizkurt
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

The Chairman called the hearing to order and explained the procedures that would be followed to the people present. A MOTION was made to open the public hearing and waive the reading of the legal advertisement, and was seconded and UNANIMOUSLY VOTED.

BZA CASE #3052 84 Liberty Street (cont.)

Application of T-Mobile for property at 84 Liberty Street, also shown on the Weymouth Town Atlas Sheet 55, Block 607, Lot 10, located in an PIP zoning district seeking a special permit and/or variance for wireless communication freestanding structure in PIP zoning district and variance from height limitations of Table 1, Schedule of District Regulations.

Mr. Parisi appeared before the Board on behalf of the applicant T-Mobile. He stated that since the last meeting work has been done to answer questions asked by the board. He noted that not all of the questions have been answered; however, he wanted to update the Board.

Mr. Parisi stated that one request of the Board was for the applicant to establish the need for the tower. He noted that there are two other towers in Weymouth and one site in Rockland and displayed a map showing the sites. The proposed site is at Hanabury's.

Mr. Parisi stated that drive test data is gathered to measure the signal from a specific location; the signal is spotty in this area. He showed a map and noted that a negative 76 is the goal which is not achieved in this area and a chart showing a daily number of dropped calls average: 30 calls per day vs. 300 calls

Mr. Denizkurt asked what is a dropped call. Mr. Parisi stated that after you initiate a call, the radio frequency gets weaker and weaker and the call is dropped.
Dropped versus hang up

Mr. Galewski asked how you would know whether the receiver or caller drops the call.

Mr. Parisi stated that there are three parts: my phone to antennae, from the antennae to the rest of the wired world, and then from the wired world to another mobile phone. This data is based

on the first connection; my phone in this area to the local antennae. This is where the drop is occurring, not on the other end.

Mr. Parisi stated that it doesn't matter who initiates the call; it is about a phone in this location to the nearest antennae. He noted that calls that do not initiate cannot be tracked; that is calls that are attempted but are too far from the nearest antennae to initiate.

Mr. Denizkurt asked how many calls are dropped versus how many are made. Mr. Parisi stated that 23 calls are dropped. Mr. Denizkurt asked what is the percentage of calls dropped in this location versus other locations, locally and nationally. Mr. Parisi stated that he would gather this information.

Mr. Golden asked for clarification on the notation 524F. Mr. Parisi stated that every site has three sectors (A, B, C) indicating the direction of the antennae.

Mr. Parisi stated that over the past several weeks there have been discussions with South Shore Tri-Town Development Corporation (SSTTDC) regarding the possibility of placing a tower at that location. He stated that they have received a letter from SSTTDC stating that this land is zoned not to allow free standing wireless towers. He pointed out that they have attempted to the Coast Guard but have had no response to numerous phone calls, emails, or certified mail.

Mr. Parisi submitted an article from the World Health Organization (WHO) which includes health related information. He read the following from the article: "Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects."

Mr. Parisi noted that they have come up with an alternative location on the site that is away from the residential neighborhood. He stated the one of the issues with the current location is that it is less than two times the height of the tower set back from the residential area. This other location is more than two times the height of the tower away from the residential area.

Mr. Parisi stated that he would submit information for the alternative site if the Board believes that the current proposal is so onerous that this alternative would be a better option.

Mr. McLeod asked what would be needed for the alternative site. Mr. Parisi stated that a Special Permit for such a facility in industrial zone is needed as well as a variance from the 35 foot height restriction in an industrial zone. He noted that the variance from the two times the height of the tower would not be required.

Mr. Parisi stated that there is another location just over the line in Hingham at Tri-Corp. which is industrial zoned land. He stated that he has spoken to the landlord who seems amenable to the proposal but it takes time to research the site and to negotiate a lease.

Mr. Parisi showed a map of the area with the pole located in Hingham. He stated that this change only moves the problem; it does not solve it. He stated that they will look into two site locations; this would result in a lower tower on the Weymouth site and add a site in Hingham/Rockland.

Mr. McLeod asked if a height variance would still be needed. Mr. Parissi stated that a variance will still be needed because the towers must reach above the tree lines. He believes it could be less than 100 feet but not less than 50 feet but this is strictly a guess as the height is site specific. Until a specific location is pinpointed, he cannot give an exact number.

Mr. Kenneally asked if the Tri-Corp. site is feasible technically. Mr. Parisi stated that he believes it is, but he is not certain that it will provide the coverage needed in Weymouth.

Mr. Denizkurt asked for a more definitive plan for the proposed alternative site. He noted that the map submitted is blurry. He stated that based on the 200 foot radius, the only area that would fall into the R-1 zone is onto Liberty Street.

Mr. Parisi stated that the actual R-1 lot line is across the street.

Mr. Fuqua stated that Mr. Parisi did ask about the zoning. Mr. Fuqua stated that he has spoken with the Building Inspector who has stated that streets are not considered as being zoned, therefore the R-1 zone begins across the street.

Dave Toomey, 36 Putter's Run, stated that at the last meeting, the applicant was asked to submit data, however this data was not submitted to the residents. He asked that the data also be submitted to abutters prior to the date of the next hearing.

Mr. McLeod suggested that the applicant submit the information both to the Board and to Councilor Smart who can then make the information available to the residents.

Councilor Smart stated that he received the copy of the letter from SSTTDC. He noted that the land mentioned for a possible site is a Public benefit conveyance from the Navy – nothing can be built in this location. He pointed out that the other location is a waste site.

Councilor Smart stated that he does not believe that the applicant has done his due diligence based on the lack of information regarding the number of dropped calls versus the total number of calls made.

Councilor Smart stated that he is opposed to the issuance of a special permit and variance for this tower as it is an eyesore to the landscape. He questioned why T-Mobile needs a 120 foot cell tower when other cell phone providers do not have cell towers of this height in the area?

Councilor Smart stated that based on the demographics of residents; there does not appear to be a problem with dropped calls.

Rick Pessin, 164 Sandtrap Circle, stated that the argument is about the tower's location and does it belong in this location. He noted that the applicant has made comments regarding the installation of this tower adding capacity in the future in addition to resolving the issue of dropped calls.

November 18, 2009

Richard Gosselin, 212 Sandtrap Circle, asked what will happen when the trees grow higher than the towers; will this interfere with reception.

Mr. Parissi noted that trees in the area do not generally reach heights higher than what is existing.

Jim Coleran, 55 Sandtrap Circle, stated that there are no old growth trees in this area.

Mrs. Gosselin, 212 Sandtrap Circle, noted that the applicant had stated that the residents of Pembroke were delighted to have a tower located at the Pembroke golf course. She stated that she has read in the paper that the residents, in fact, are opposed to the building of a tower on that site.

Dick Hanabury stated that he has been a resident of Weymouth for over 70 years and in the paving business for 50 years. He stated that he has owned property on Liberty Street. The property that he has acquired are intended for industrial development.

Mr. Hanabury stated that he bought land to locate business, have his family accumulate a share of wealth in this country. He stated that he did this 30 years ago and prior to that he rented. He stated that his son owns the business, but he and his wife still own the land. He stated that the tower is designed to serve the people of Weymouth, should be located in Weymouth not Hingham.

Mr. Hanabury stated that there is economic self-interest for his family as well as the residents of Weathervane are concerned with their economic self-interest. He stated that he did not believe a flag pole would have an effect on property value.

Mr. Hanabury stated that he received a phone call from Brenda Masciovecchio, 77 Wainwright Street, asking him if the tower was approved because she has many dropped calls and wants the tower built to solve this problem.

Mr. Paul Delaney, 5 Putter's Run, stated that he is a veteran and there are rules regarding the display of flags on flag poles. He noted that the flag would have to be 20 feet by x 30 feet. He also noted that the American flag must be lighted at night or taken down every day. He believes that this site is not appropriate for this use.

Mr. Kenneally asked that the applicant to provide any data on potential impact on surrounding property values due to the location of the pole.

A MOTION to CONTINUE the public hearing until January 6, 2010 was made and seconded, and was UNANIMOUSLY VOTED.

ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

Richard McLeod, Chairman

Date