



TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
July 11, 2023

MEETING:

Chairman Patrick Fox called the meeting of the ZBA to order at 6:02 pm. Present were members Joseph Curtin, Everett Pierce, Diana Baldarelli, Matthew CampoBasso, and Patrick Fox.

Agenda

6:00 pm – Discussion with Town Planner regarding Table of Principal Uses

6:10 pm – **Special Permit** - Attorney Michael S. Giaimo of Robinson + Cole, LLP, on behalf of petitioner Cellco Partnership dba Verizon Wireless, has applied to the Zoning Board of Appeals for a Special Permit to build a Wireless Communications Facility (Article 4, Section 4.8 of the Sterling Protective Bylaws) at 56 Kendall Hill Road. The property is located in the Rural Residential and Farming and Wireless Communication Overlay zoning districts.

6:20 pm – Discussion of Administrative Rules & Regulations Fees, Multi-Family Bylaw

6:25 pm – **Minutes** - Review minutes from May 9, 2023

Town Planner
Discussion
Table of Uses

Town Planner Stephen Wallace discussed proposed zoning changes with the Board. Mr. Wallace explained his plan to conduct several public forums to allow the citizens to determine the appropriate uses for the Performance Zone. Using the results of this forum, rewrite the Performance Zone bylaw. He also proposes:

- expanding and modernizing the commercial and industrial options in the Table of Uses based on the results of the public forums.
- moving commercial and industrial uses to the Planning Board as the special permit granting authority.
- remove residential development as a permitted use in the Commercial zoning district.
- work on preparing Site Plan Regs that will apply to all non-residential development.

Verizon
Wireless Tower
– Kendall Hill
Road

Chairman Fox read the legal advertisement into record. Attorney Michael Giaimo presented the proposal to the Board. Also available was their engineer Keith Vallante and David Tivnan of SAI Group. The cell tower will be a monopole design, 125' in height with triangular array. There will be a fenced enclosure with the equipment. The tower will be served by underground utilities dropped from the pole at the beginning of the driveway for the property. Currently the coverage in that area is not very good. Without adequate coverage, the demand overloads the other towers disrupting quality. The site was chosen to fill a gap area. There will be no traffic impact. Technicians will occasionally calibrate and inspect equipment, but much of that can also be done remotely. There is adequate provision for utilities and Verizon will use local services for power and fiber. The monopole will have 3 antennas per side and the Town will be allowed to co-locate their equipment on the pole and have use of the back-up generator. There are minimal impacts to the Town and the site location is not located near wetlands. The installation will not create a demand on Town services and positively effects the Town by allowing for been emergency and town communication. Also will be advantageous to those traveling through Town as well as the businesses in Town. This is a gap area and other carriers will be allowed to collocate their services. The tower meets setback requirements. It is freestanding and not lattice. The bylaw allows a height of 100' to 130' and Verizon is looking for 125'. Applicant agreed that if for some reason they ceased to operate the tower, they would remove it. All networking will be via underground services all within the access roadway/cart path. Proposing a 50' x 50' clearing to accommodate concrete pad. There will be no lighting requirements and the natural vegetation provides adequate screening.

Mr. Vellente (engineer for Verizon) present a number of maps to illustrate coverage (or lack of) as well as topography to show how the signal travels. Lieutenant Thomas Kokernak spoke in favor of the proposal and explained the need to cover this gap area. The Lieutenant is the supervisor of all things radio and currently all of the equipment is only utility pole height with a hub on the water tower off of Kendall Hill Road. Trees and

hills distort the radio frequency. There is a real need for infrastructure that is reliable so that the fire department can speak to the ambulances transporting without losing the connection. There was also a problem when there was a large fire at the reservoir and Sterling was not able to communicate and had to rely on Clinton's communications to stay in contact. Additionally, collocating the Town's equipment on this tower will save the Town money because the cost of building something comparable would be very high.

DPW Superintendent Ryan Mouradian wrote a letter in support of the tower as well.

At 6:51 pm, Chairman Fox opened the hearing to the public. There were a number of concerns including: belief that the radio frequency disorients bees and birds and causes headaches in people, possibly cancer and it will negatively affect property values. Other concerns included lightning protection, where snow removal would be placed, the visual impacts, can the height be reduced, distance from roadway (500'), distance to adjacent properties, removal of vegetation, the fact that the property is in chapter land, decommissioning plan and rural character.

Attorney Giaimo address a number of the concerns. Construction and snow removal will be contained on site. Most of the time, the tower can be monitored remotely. There are plans to improve the cart path that leads to the proposed site and there will be vegetation cleared only for the concrete pad. All towers are grounded, utilities will run along the existing driveway, the applicant will remove the portion of property required from chapter land, the FAA determined that a light is not required on the tower, and the applicant is agreeable to a provision for decommissioning.

Mr. Curtin asked if the installation of utilities and construction required would be similar to that as residential new construction and Attorney Giaimo agreed that it will be similar. The excavation will take approximately one day and the placement of forms and then once the concrete is poured, it requires 28 days of curing. Over all, the construction should take 4 to 6 weeks with long periods in between.

There were some questions about the other towers. Two are located in the rural residential and farming zoning district and one in light industrial. Verizon currently collocates on those towers and they are located at 150' on the tower off Chocksett, 178' on the tower located on Redemption Rock Trail and 108' on the tower located on Pine Woods Lane.

At 7:30 pm, Mr. Pierce made a motion to close the public hearing. Mr. Curtin seconded. All in favor, 5-0.

The Board discussed further and determined that the benefits of the tower outweigh the adverse effects. Mr. Curtin also reminded attendees that the Board did not write the bylaws, but are required to follow them. The bylaws are voted on at Town Meeting by the citizens of Sterling and require a 2/3 vote to pass. He further stated that the proposed tower will not be much higher than the power lines that are currently located on the site and that the proposal meets the requirements of article 4.8.5 of the Protective (zoning) Bylaws.

Mr. Curtin made a motion to grant the Special Permit to build a cellular tower at 56 Kendall Hill Road subject to article 4.8.5 and with the contingency of the conditions that were discussed during the hearing and shall be incorporated into the decision. Mr. Pierce seconded. All in favor, 5-0.

Tabled at this time.

Multifamily Bylaw

Mr. Curtin shared a draft of the recommended changes that he and Mr. Fox had worked on. Mr. Fox asked the Board for feedback and they agreed with the proposal. Mr. Fox will draft a letter to the Selectmen to sponsor and forward to the Planning Board.

Minutes

Ms. Baldarelli made a motion to approve the minutes of June 13, 2023. Mr. Pierce seconded. CampoBasso aye, Pierce aye, Baldarelli aye, Curtin aye, 4-0-1 with Mr. Fox abstaining as he was not in attendance at the meeting.

Adjourn

Meeting was adjourned at 8:05 pm.

Minutes were approved at a meeting held on 9/12/2023, P. Page.