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# Zoning Board of Appeals Minutes 10/9/18 - 73 Chestnut

## **ZBA Hearing Minutes**

Address: Chestnut Hill Rd

**Date:** 10/9/18

Hearing began at: 1pm

**Members Present:** Jonathan Levin, Chair, Stanley Ross, Clerk, Scott Jenssen, Susan Cooper and Gary Shaw

**Also present:** Francis Parisi, Attorney for Vertex Towers, John Szablowski, Steve Weisz, Martin Levan, Shawn Tryon, Walter Cooper, Consultant for the ZBA, Jared Smith, Kenn Basler, Jeff Purvis, Don Coburn

Today's hearing is a continuation of the public hearing from September 25<sup>th</sup>. Additional letters from the Planning Board and Building Commissioner were read into the record. The Building Commissioner has determined that the structure located on the Smith property, discussed at the last hearing, would not be defined as a residential structure under our bylaws and therefore the 600' required distance from the structure to the location of the tower is not relevant.

Since the last hearing the Board members received additional documents/information from the applicant as well as from the Board's consultant, Walter Cooper.

The remaining open issues in the consultant's opinion were reviewed with the applicant and the Board as well as the additional information that was requested at the last hearing.

The applicant noted that they have been in conversations with the abutting land owner (Mr. Smith) as well as Hume to try to come up with a solution that works for everyone (possibilities include moving it and/or moving it and raising the height) as there is a strong possibility that the one abutter will appeal if a decision were made today on the current proposal. The applicant discussed possibly requesting to continue the hearing to allow for the applicant to come up with a revised plan. The Board expressed their concern with this (possible need to re-advertising), timing, delays to construction, etc.

Those present spoke to the possible request to continue the hearing to present other options. Discussion ensued and ultimately the applicant requested that the hearing be continued out 3 – 4 weeks. Jon Levin, ZBA Chair stated that if the height of the tower were to be changed the Board would have no choice but to re-notify the abutters and advertise the changes. If the tower is only being moved and does not affect any other abutters then re-notification and readvertisement would not be necessary. Either change would require a new balloon test. The Board requested the following prior to the next public hearing:

- Balloon test in accordance with the Zoning By-law;
- Revised propagation studies for any new location;
- Revised site and access plans;
- Confirmation that any relocation of tower will not result in the tower being any closer to an abutter than that shown in the original application

A motion was made to continue the hearing to Thursday, November 15<sup>th</sup> at 3pm to allow the applicant to consider relocating the tower to meet certain objections made by an abutter. The motion was approved unanimously.

The hearing concluded at 2:47pm

Submitted by

Melissa Noe, Administrative Assistant