



**TOWN OF GEORGETOWN
ZONING BOARD OF APPEALS
Public Hearing Minutes
7 Andover St. – T-Mobile Northeast &
First Congregational Church
June 1, 2010 - Variances
7:30 PM - Town Hall, 3rd floor Meeting Room**

Board Members Present:

Paul Shilhan, Chairman
Dave Kapnis
Jeff Moore
Matt Lewis
Paul Taraszuk
Jon Pingree

Absent: Mike Muller, Scott MacDonald

Zoning Clerk: Carol Fitzpatrick, Minutes Recorder (temporary replacement)

Chairman Shilhan opened the meeting at 7:30 by reading the legal ad:

A petition has been made by The First Congregational Church of Georgetown, Inc, 7 Andover Street, Georgetown Ma and T-Mobile Northeast, LLC a wholly owned subsidiary of T-Mobile USA, Inc. 15 Commerce Way, Suite B, Norton, MA 02766, A petition has been made by The First Congregational Church, 7 Andover St., Georgetown Ma, and T-Mobile Northeast, LLC, a wholly owned subsidiary of T-Mobile USA, Inc. 15 Commerce Way, Suite B, Norton, MA 02766, for a Use Variance as Wireless Facilities are only allowed in the IB district, and two (2) Dimensional Variances (one less than 100 ft. setback from residential property line and another being within 300 ft. from a residential home), the petitioner wishes to construct a Wireless Communication Facility, including up to 4 (four) antennas inside an existing 94 Ft. church steeple with all associated cables and equipment inside the church building, under M.G. L. Chapter 40A, Section 10, and the Georgetown Zoning Bylaw, Chapter 165 Sections 9, 11, 80.1 and 84. The premises affected is 7 Andover Street, in the RA district and identified on the Assessor's Map 6C, Lot 132.

Representative for Applicant - **Ms. Jackie Slaga, Esq.** – 95 Indian Trail, Sauderstown, RI 02874

Applicant: T-Mobile Northeast
Owner: First Congregational Church, Georgetown Ma

Disclosures: Jeff Moore, member of First Congregational Church, is not presently involved in church business but has been on the nominating committee in the past. He has filed a disclosure form. Jon Pingree has a relative who is a direct abutter and he filed out a disclosure form.

Applicant: Jackie Slaga, T-Mobile Northeast: I have no opposition to you both participating and voting in this hearing. The variances are on the set-back relief Map 6C, Lot 32. We will be installing at 81 feet above ground. All equipment will be run through the building because the antennas will be swapped out with a RF (radio frequency) transparent material. The Historic Committee knows about this. We will order the Church shingles from our company. I was not involved 3 years ago when T-Mobile first came before the Board. This proposal is different. Everything will be installed inside the building. We still need a facility in this area. I realize the board denied the Church and I am not sure why. It is a viable structure to T-Mobile. It will hit the roadways where we want it to hit and provide seamless coverage to the area. From a radio frequency standpoint, the higher the transmission tower, the better. We are proposing an 8 foot increase in height. We will match the louvers and the façade of the steeple. We now propose to go into the steeple. It has a low impact to the area. Regarding the setbacks, I have seen them applied in North Andover, a 500-600 foot setback. The Planning Board ruled that it is not applicable. Church steeples are better than towers. I think that this is a good proposal for the Town, and of course, for the Church, from a financial standpoint.

Dishant Sham, T-Mobile: Gives presentation shows coverage area, downtown, East Main Street and the major highways in the town.

Jon Pingree: What are the chances that you will need to put in another pole in the future?

Jackie Slaga: There is a good change that the white area (weak to no coverage) will be covered in the next jurisdiction.

Matt Lewis: The white spot in the middle, what is the distance?

Dishant Shah: It is one quarter of a mile.

Correspondence: Paul Shilhan reads Georgetown Historical Commission letter and their concern for the Church as a historical asset. The poly-chromate slate roof is a very important historical structure to the Church. They do not understand why T-Mobile is applying again. The material that T-Mobile plans to use would not match and be a historically acceptable match wrote Mr. Edward DesJardins, Chairman, Georgetown Historic Commission.

Jackie Slaga: I have measured centerline to centerline of the antenna 81 feet, not 94 feet which is the height of the steeple. The former application was for 73 feet high. There would be no visible change with the match. Natick Congregational Church did something like this. We have computer models of these designs. The model would not show the 8 foot difference.

Jon Pingree: We would like before and after shots of what this would look like. We want what is least impactful on the church. We want to see the impact and we have an expert that will review this for us. You are going to pay for us to hire a consultant.

Correspondence: Nicholas Cracknell, Town Planner, read by Paul Shilhan. I strongly support the Historical Commission and their comments, wrote Mr. Cracknell. Mr. Shilhan reads the letter.

Matt Lewis: I was on the board 3 years ago. I wanted T-Mobile to look at other areas beside the Church steeple. You would like to have your coverage overlap, with no white areas representing no transmission. The Highway Dept is .9 miles from the steeple and try to see if that would be a better location. That way the money would go back into the town. Did anyone from you company look at other areas in the town and where?

Jackie Slaga: There are no other structures of comparable height in the area. A number of sites were looked at. I don't think that we looked at the Highway Dept. We looked at True Lane but could not gain access because of wetlands. We looked at the Penn Brook School and the town was not interested. The DPW (Highway Department) was ruled out because of wetlands and that was ruled out from an engineering standpoint. When we identify site we look at search rings. The school is almost directly centered on the search ring. Georgetown Building Supply was marginal, if all else fails. We can bring Highway plots to the next meeting.

Jeff Moore: Please bring maps and plots to the next meeting of all of the sites that you looked at.

Matt Lewis: A steeple is less expensive than a cell tower.

Jackie Slaga: A church steeple is not ideal, we do not get the height that we need and we really do not save money.

Matt Lewis: I would like to see it as far away as possible from the residential areas in the town.

Dave Kapnis: The roofing slated is very brittle, given how old it is. Would you give us a detailed plan of the shingle removal and have a skilled person do this work? Who would perform the work? The E911 antenna and the GPS antenna will be located outside of the steeple?

Jackie Slaga: We have to take away from the roofing and we would find the least of the layers of the shingle design. We have people that have installed cell towers in churches, not Joe Roofer. The Natick steeple that we did is very nice. The 2 antennas will be attached next to the louvers, facing east.

Jeff Moore: You mentioned a letter mentioning funds being directed to the Church. I don't have that document.

Jackie Slaga: It is a separate document.

Paul Shilhan: Mentions Escrow agreement to hire a Consultant, David Maxim.

MOTION that we hire David Maxim to represent us on this project. Amendment to motion to have \$5000 added to the escrow account, provided by T-Mobile. Pingree/Lewis; 5-0; All/Unam.

Comments from the audience:

Lisa Durkee, 10 Clark Street: Where are the answers to the question about health and the health risks? This is a big concern of mine as a parent of 3 children with the proposed tower very close to our home and

the residential area. Are the variances being requested because of FCC requirements? Does the FCC recommend a safety distance in a residential area regarding health effects?

Jackie Slaga: These facilities operate well within FCC guidelines, which is 5%. Secondly, at the height we propose by the time it hits the ground level, it is far less than 5%. We operate well under the FCC and other medical limits. Dave Maxim can also advise you.

Jeff Moore: We would like the FCC regulations regarding the frequency.

Frank Scarbo, 17 Clark Street: The federal government does not reject the installation of these structures based on health risks. We have concerns about the health risks. Where do we go?

Jon Pingree: That is out of our jurisdiction. You might need to call the FCC. Our hands are tied on this issue.

Frank Scarbo, 17 Clark Street: How do you base your vote? What is the financial compensation to the Church?

Jeff Moore: The applicant has to prove that they have a gap in transmission coverage. T-Mobile can't meet that gap in another spot in town that meets the zoning regulations, without variances. If they cannot find a suitable location, then they would enter variances. We cannot use health effects to refuse this project.

Jackie Slaga: The financial compensation to the Church is proprietary information.

Nick Bruno, 2 Bailey Lane: Will other cell carrier service be available through this tower. And secondly, have you considered Baldpate Road as a cell tower site?

Jackie Slaga: This would be for T-Mobile's use only. The Church could enter agreement with another carrier. We are already on the Baldpate tower; they (other carriers) would be connecting sites to this. Hide the tower is the route we go.

Ida Wye, 1 Andover Street: I served on the Historical Committee. I have strong objections. The steeple is the only historical part of the church and the church has been altered in so many ways. I live next door and do not want to see steeple altered.

Bob Knapp, Member of the Church: The roof has been repaired with new slate. It would be like running a baby monitor throughout your house as far as health concerns go. The look of the steeple, our opinion is that the job to match it would be fairly close. We want to keep the pattern for its historical significance.

Donna DiSisto, 15 School Street: I can see all issues. I am a member of the Church, neighbor, a radiological nurse and a cancer survivor. I have no health concerns and feel that it would be good for the Town and the Church.

Lisa Durkee, 10 Clark Street: Do you need to make a disclosure when you sell your property regarding this tower? Will it affect the value of the sale? I didn't expect this when I purchased my property. I think that this should be in an industrial area. I want to see that T-Mobile did their due diligence.

Jon Pingree: It should be in an IB district. But if the other areas don't meet their needs, we need to hear their case. True Lane was an access problem. We will have our consultant address this issue.

Jackie Slaga: We are at the Church because we thought that this would be the least impactful way to do this.

Matt Lewis: What about St. Mary's Church?

Richard Coco, 1 Andover St: What is the basis this board will grant a variance? The Church being in financial difficulty should not be considered.

Jeff Moore: In the IB district, we can grant special permits to cell services providers. The federal law trumps all other law. They, T-Mobile, have to show that they have a gap in service. They need to do due diligence on all other possible locations for a cell tower. They have to show that there is no other land in the IB district that has the reach.

Jon Pingree: We are going to do our due diligence with our consultant as to where this tower should be placed.

Jeff Moore: We don't see ATT, Sprint or other carriers here. Why do you have a gap and they don't?

Jackie Slaga: We don't work together. We budget every year to improve our service, we look at our budget and allocate monies to the areas we need. Verizon has a different frequency.

Matt Lewis: At Long Hill, where are you on the pole?

Dishant Sham, T-Mobile: We are at 135 feet. We don't know who is above and below us. On Baldpate, we are at 110 feet on a hill.

Jeff Moore: Can you co-locate with other carriers in the area and has this been explored?

Jackie Slaga: We have master agreements with other carriers.

Lisa Durkee, 10 Clark Street: You mentioned IB is the area for cell towers. Where is this area? When will the board be taking a vote?

Jon Pingree: It is roughly 2 miles on each side on Route 95. We have 150 days from the date of application to make a decision. We will continue this Public Hearing to July 13th at 7:30 pm.

Richard Coco, 1 Andover Street: We could be back here when AT&T wants to put a cell tower on the Church. This does not end with T-Mobile. What is the threshold for transmission when it becomes a health problem? I just think that it is a bad precedent to have this as the zone that it is being presented.

Matt Lewis: Where will your equipment be?

Jackie Slaga: Our equipment will be in an attic, in a storage room. Our cables will be outside.

Ida Wye, 1 Andover Street: I didn't realize that other carriers can also petition a cell tower. How much will you allow the steeple to be altered? Can someone come in and want to be 8 feet higher? I am aware

that chimney designs can be up to 14 feet, fabricated to accommodate cell towers. How much higher will you be willing to go on the chimney?

Jackie Slaga: We are as high as we can go.

Jon Pingree: It is a non-conforming structure and they would have to prove a hardship if they wanted to change the chimney height. You would stop it on a variance. T-Mobile has the FCC behind them holding a hammer over our head. We have more discretion when you are challenging our zoning and when it is in our jurisdiction.

Richard Coco, 1 Andover Street: I thought that this was a line-of-sight, microwave equipment tower. Do you have your own proprietary equipment?

Peter Durkee, 10 Clark Street: Why can't you look at the greener area for a lower cell tower transmission?

Jon Pingree: We will make a note of that with our consultant.

MOTION to make an M-Account for the escrow account. Pingree/Taraszuk; 5-0; All/Unam

Jackie Slaga: We will have a check for you in one week.

Jackie Slaga: We are going to provide a dry test for this facility in a couple of weeks. We will provide more analysis on the connecting sites as well as all sites we looked at. This is what I will have for David Maxim, your consultant.

Matt Lewis: Can I suggest that you so do a site drive-by of the Highway Dept, in between St Mary's Church and Baldpate, and next to Georgetown Building Supply.

Jon Pingree: Has anyone looked at putting a cell tower on the radio tower?

Dishant Shah, T-Mobile: They are very powerful, as far as output. There is also interference.

MOTION to continue this hearing to July 13th at 7:30 pm. Moore/Taraszuk; 5-0; All/Unam.

MOTION to close the Business Meeting at 9:37 pm. Moore/Lewis; 5-0; All/Unam.

Voted approved on July 13, 2010

GEORGETOWN ZONING BOARD OF APPEALS

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

ATTENDANCE RECORD OF PUBLIC HEARING DATED: 6/1/2018



PLEASE PRINT THE REQUIRED INFORMATION FOR PUBLIC RECORDS BELOW

NAME/COMPANY REPRESENTING	ADDRESS	HEARING PRESENT FOR
Jackie Slaga - T-Mobile	95 Indian Tr Sunderstown RI 02894	7 Andover St
Rev. Deborah Adams - Interim Minister	First Cong	7 Andover St.
DISHANT SHAH - T-Mobile	15 Commerce Way WARTON, MA 02766	7 Andover St.
Richard Brock	First Congregational Church 29 Thurlow St Georgetown MA	
Glenn Stet	First Congregational Church 57 Seale St Georgetown MA	
Marion L. Harding	First Congregational Church 20 Thurlow St. Georgetown, MA	
Ann Kelloway	First Congregational Church 23 Spafford Rd Georgetown, MA	
Patricia Barlow	" " " " " " " "	3 Hart Cir. " "
Jeffrey Gillen	" " " " " " " "	148 Thurlow ST. Georgetown, MA
Kyle Gillen	" " " " " " " "	" " " "
ALLAN R BARLOW	" " " " " " " "	3 HART CIR " "
Chris Comiskey	" " " " " " " "	45 Old Jacobs Rd "
Tracy Southwick	" " " " " " " "	9 Larch Rd " "

