

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPELS
TUESDAY, JUNE 28, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Elizabeth A. Taylor, Acting Clerk
Richard L. Burpee, Alternate
Richard D. Vetstein, Alternate
Constantine Athanas, Alternate

Notice was published in the Sudbury Town Crier on June 9 and 16, 2005, posted, mailed and read at this hearing.

Mr. Gossels, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Peter Cooke was present, representing Omnipoint Communications, for renewal of Special Permit 00-12 for the continued operation of a 100-foot, 2-carrier monopole wireless communications facility at Feeley Park on Raymond Road. The Bylaw requires renewal every five years.

Mr. Cooke gave an overview of the existing facility which he said was constructed in accordance with the plans submitted with the original permit. The monopole itself is the replacement of an existing light stanchion. The antennas are located within the pole. He said Sprint is in the process of becoming the second carrier on that pole.

Mr. Gossels noted that on a different pole owned by another carrier some panels fell off that pole. He asked whether there have been any problems associated with this facility. Mr. Cooke said he was not aware of any problems nor have there been issues with this type of pole with any of their other installations. He said he could offer to have a structural engineer inspect the pole and provide a copy of that inspection as part of a condition of approval.

Mr. Gossels said this would alleviate his concerns. The report should be submitted to the Building Inspector.

The conditions of the original permit were read. Mr. Cooke had no issues with any of those conditions.

Mr. Gossels asked whether the town had exercised their option to add antennas for town use. Mr. Cooke said they had not, but that there is still ample room to do so.

Ms. Taylor asked whether the inspection would be done on an annual basis. Mr. Gossels felt this should be left to the discretion of the Building Inspector.

There were no further questions from the Board. No residents were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: “To grant Omnipoint Communications MB Operations LLC, applicant, Town of Sudbury, owner of property, renewal of Special Permit 00-12, under the provisions of Sections 4350 and 4360 of the Zoning Bylaws, for the continued operation of a 100-foot, 2-carrier monopole wireless communications facility, including associated equipment, property shown on Town Property Map L08 as Parcel 012, Raymond Road (Feeley Park), Residential Zone A-1, provided that:

1. Monopole shall be in accordance with Plan 4-DE-B010-E, prepared by Edwards & Kelsey, Boston, MA, Sheets T-1, C-1, Z-1, Z-2.
2. Add-on antennas may be allowed for future Town use (fire, safety); however, no antennas will be added without approval of the Board of Appeals.
3. There will be no lighting on the pole, except for ball field lighting, unless required by the FAA.
4. The petitioner will provide a safety inspection of the facility with a report submitted to the Building Inspector. Follow-up inspections will be required at the discretion of the Building Inspector.
5. The approval granted herein shall expire in five (5) years on June 28, 2010. Continued operation of the facility shall be subject to application for and renewal by the Board of Appeals.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner seeks renewal of a Special Permit for the continued operation of its wireless communications facility. The facility has been constructed in accordance with the conditions of the original permit and there have been no problems associated with the existing facility. In order to insure its continued safe operation, the petitioner has agreed to a condition to inspect the facility and to conduct any future inspections at the discretion of the Building Inspector. The Board finds the location of this facility is such that it affords the petitioner the

needed coverage in the area, while at the same time is not intrusive to the neighborhood by virtue of its existence. For these reasons a five-year renewal is appropriate for this installation.

Jonathan G. Gossels, Chairman

Elizabeth A. Taylor, Acting Clerk

Richard L. Burpee, Alternate

Richard D. Vetstein, Alternate

Constantine Athanas

LINDA & NEIL WARRENBRAND
25 Tavern Circle
05-30

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Stephen M. Richmond, Clerk
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Mr. Gossels, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the

decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Linda and Neil Warrenbrand were present representing a petition for Special Permit to allow a kennel on the premises for four dogs at 25 Tavern Circle. Ms. Warrenbrand said she discovered she needed a special permit from the Board when she went to license the fourth dog. She submitted photographs of the dogs, which are English bulldogs, and are strictly pets.

Ms. Warrenbrand explained that the dogs are contained by an invisible fence, they don't bark, and are under her supervision at all times. If they leave the property they are always leashed. None of the neighbors have issues with her dogs.

Paula Adelson, Assistant Dog Officer, said neither she nor the Dog Officer have received any complaints with regard to the Warrenbrand's dogs. She saw no reason why a permit should not be granted for four dogs.

Mr. Warrenbrand reiterated his wife's statement that these are strictly pets. He said this is not intended to be a commercial use and the dogs are all neutered. They have no intention of adding any more dogs.

Mr. Gossels reviewed guidelines which have been used in the past. The Warrenbrands had no issue with any of them.

There were no further questions from the Board. No abutters were present. The public hearing was closed.

LINDA & NEIL WARRENBRAND
25 Tavern Circle
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The following motion was made and seconded:

MOTION: "To grant Linda & Neil Warrenbrand, owners of property, a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to allow a kennel on the premises for four dogs, property located at 25 Tavern Circle, Residential Zone A-1, provided that:

1. The dogs do not become a nuisance.
2. The maximum number of dogs on the property is four.
3. All requirements of the Board of Health are satisfied.
4. There will be no commercial activity consisting of the breeding, sale or boarding of dogs.
5. The dogs shall be kept within the invisible fenced area and shall be kept indoors at night.

6. This permit is non-transferable and will expire in three (3) years on June 28, 2008, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a Special Permit to maintain a kennel for four dogs which are family pets. The Board finds that the criteria for granting a special permit have been met. Specifically, proper facilities are in place to insure containment of the dogs so as not to cause a nuisance within the neighborhood and the petitioners have agreed to adhere to any Board of Health regulations which may apply. The Board notes that previously there were three dogs on the premises with no complaints from the neighbors. This has been confirmed by the Assistant Dog Officer who recommends approval for four dogs. In addition, no abutters were present to object to this petition.

The Board finds that the conditions imposed will serve as added assurance that a harmonious relationship will continue to exist within the neighborhood.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

Richard D. Vetstein, Alternate