

NEXTEL COMMUNICATIONS OF THE MID ATLANTIC
36 Hudson Road
01-17,18,19

MINUTES
SUDBURY BOARD OF APPEALS
TUESDAY, FEBRUARY 10, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Jeffrey P. Klofft, Acting Clerk
Richard L. Burpee, Alternate
Melinda M. Berman, Alternate
Stephen M. Richmond, Alternate

The meeting was convened by the Mr. Gossels, Chair. Mr. Gossels explained that Town Counsel Paul Kenny has advised that in accordance with the Summary Judgment issued by the U.S. District Court, the Board should prepare a decision based solely on the wording in Nextel's application and public hearing notice. No conditions are to be attached.

In accordance with Town Counsel's advice, the following motions were placed and seconded:

MOTION #1: (Case 01-17)

"To grant Nextel Communications of the Mid Atlantic, Inc., applicant, Hudson Road Trust No. 1, owner of property, a Special Permit under the provisions of Section 4350 of the Zoning Bylaws, to install, operate and maintain a 100-foot monopole wireless communications facility, including associated equipment, property located at 36 Hudson Road, Business District #7 and Residential Zone A-1."

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

MOTION #2: (Case 01-18)

"To grant Nextel Communications of the Mid Atlantic, Inc., applicant, Hudson Road Trust No. 1, owner of property, a Use Variance from the provisions of Section 4351 of the Zoning Bylaws, to allow a monopole facility on a parcel not within the Wireless Services Overlay District, property located at 36 Hudson Road, Business District #7 and Residential Zone A-1."

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

MOTION #3: (Case 01-19)

"To grant Nextel Communications of the Mid Atlantic, Inc., applicant, Hudson Road Trust No. 1, owner of property, a Variance from the provisions of Section 4353 of the Zoning Bylaws, for a setback deficiency of 55 feet \pm from the westerly property line, 48 feet \pm from the easterly property line and 41 feet \pm from the northerly property line, and a Variance from Section 4363 to

locate a radiating component of the facility within 500 feet of a residential lot line, and to the extent necessary, to locate the facility within 1000 feet of a school building, property located at 36 Hudson Road, Business District #7 and Residential Zone A-1.”

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

Jonathan G. Gossels, Chair

Jeffrey P. Klofft, Acting Clerk

Richard L. Burpee, Alternate

Melinda M. Berman, Alternate

Stephen A. Garanin, Alternate