

**Sturbridge Zoning Board of Appeals
Meeting Minutes
Wednesday, January 17, 2024
Center Office Building**



Present:

Diane Trapasso
Elizabeth Banks
Joshua Cole
Tom Welch
Maryann Thorpe
Jean Bubon, Town Planner

Absent:

Fidelis Onwubueke
Marge Cooney

Also Present:

Francis Parisi, Esq. – Parisi Law Associates
David Maxson - Isotope
Gina Mesick – 20 Camp Road
Derek Heldemann - OSV

Chair Trapasso called the meeting to order at 6:40pm and read the agenda.

Approval of Minutes

November 15, 2023

Motion: To approve the minutes of November 15, 2023.

By: E. Banks

2nd: T. Welch

Vote: 4-0-1 (M. Thorpe Abstained)

Determination – 20 Camp Road – Gina Mesick

G. Mesick came before the Board. J. Bubon gave an overview of the proposed project at 20 Camp Road stating that the existing home is in very poor condition and the applicant is requesting approval to tear the home down, install a new septic system and build a new home on the property. The new home will be meet all the setbacks and lot coverage requirements but the lot itself is non-conforming which is why the applicant requires a Determination from the Board.

G. Mesick gave a brief overview of the state of the current house. She explained that the new house will be built in the same footprint as the original just squared off and that the new house will be a split level compared to the single level that is currently existing.

Motion: To grant the Determination to Gina Mesick for the property located at 20 Camp Road to raze the existing house and construct a new single family home and a new septic system as shown on the plans and documents submitted. The proposal does not intensify or create additional non-conformities and the owner may apply for a building permit.

By: E. Banks

2nd: J. Cole

Vote: All in Favor (5-0)

Documents Reviewed:

- *Determination Application;*
- *A Certified List of Abutters;*
- *Deed, Book: 69655/Page:76;*
- *Existing conditions photos;*
- *A plan entitled "Plot Plan (Existing Conditions) of Map 2314, Lot 20 Prepared for Gina M. Mesick 20 Camp Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" prepared by Levesque Geomatics, Inc. (43 Glendale Road Sturbridge, MA 01566) dated: 12/5/23, Job No.: GM05-001;*
- *A plan entitled "Plot Plan of Map 2314, Lot 20 Prepared for Gina M. Mesick 20 Camp Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" prepared by Levesque Geomatics, Inc. (43 Glendale Road Sturbridge, MA 01566) dated: 12/4/23, Job No.: GM05-001;*
- *Untitled architectural renderings;*
- *Floor Plans prepared by Thaddeus Szkoda, dated: 11/10/23;*
- *Town Planner Report;*
- *Department memos*

Public Hearing – Variance – 92 Stallion Hill Road – Vertex Towers, LLC

E. Banks read the legal ad posted in the Southbridge Evening News. D. Trapasso stated that before F. Parisi start his presentation she wanted to comment that the Zoning Board could not consider the health effects of the proposed facility however information had been provided to the Board to indicate that the proposed facility meets FCC emissions limits and that the applicant will review that information during his presentation.

F. Parisi came before the Board and made his presentation. He stated he was requesting a frontage Variance to be able to construct a proposed telecommunications facility on a lot with insufficient frontage. He gave an overview of Vertex Towers and other telecommunication towers that they have put up in Massachusetts. He stated that this tower would fill gaps in wireless coverage around town, specifically OSV since there have been issues for the last several years with a lack of coverage in that specific area.

F. Parisi discussed the lack of frontage and that originally a subdivision was going to be built on the land so only enough frontage was left for a street, the subdivision never moved forward. He stated that there will be no change to Stallion Hill Road since the existing driveway is sufficient for the projects purposes. He also gave a brief overview of their

search for land for the proposed tower and how they came to choose the lot on Stallion Hill Road and discussed that there is substantial setbacks and minimal visual impact.

D. Maxson introduced himself and stated that he was hired to peer review the Vertex Towers project. D. Maxson discussed the terrain and topography of the property. He stated that since the parcel is large and wooded and doesn't have dense residential development around it, it has less of a visual impact.

J. Cole asked the following:

- Is this Vertex's first project in Sturbridge? F. Parisi stated that it was and that Verizon has other towers in town that are specifically Verizon locations.
- The second finding mentions hardship for the owner, who is the owner in this case? J. Bubon stated that there could be a hardship for Verizon financially but also the lack of wireless service in the area and not being able to find another site that may be able to be developed. D. Maxson discussed Vertex being considered an extension of the owner since they hold a lease agreement on the property.

E Banks wanted to clarify that Vertex would be using the existing driveway and cart trail and not building a new driveway. F. Parisi stated that was correct and that they will only be adding a bit of gravel to the cart path to level it out in some places and that it will only be used for construction.

T. Welch asked the following:

- How far the signal reaches for this type of tower. F. Parisi discussed that it is dependent on topography and vegetation but based on existing facilities in town he would guess a couple miles among the Route 20 corridor and OSV.
- On the site plan it shows future lease areas, is this for more towers? F. Parisi stated that it isn't, they leave a 75x75 area and they build 60x60 just in case they need more fence space but they tend to use less area then they lease.
- Asked about the aesthetics of the structure. Fran Parisi discussed.

M. Thorpe asked if other carries would be added to the tower other than just Verizon. F. Parisi stated that it would be built to be a multi-carrier tower and discussed.

D. Trapsso stated that the Board would keep the public hearing open while they discussed and voted on the findings.

Finding #1: D. Trapsso stated that Finding #1 is the soil condition, shape or topography of the property which conditions especially affects the property but does not generally affect other property in the Zoning District. She stated that what the Board needs to find is that the site where the tower is going has a unique problem and reminded the Board that the property was already issued a Variance a few years ago and nothing about the property has changed to make conditions different.

The Board discussed that the property has ledge and a steep grade and has already had an approved variance. The Board all agreed that it meets the requirements of finding #1.

Motion: To find that the variance request meets criteria #1 that states that soil

conditions, shape or topography of the property, which condition especially affects the property, but does not generally affect other property in the zoning district.

By: E. Banks

2nd: J. Cole

Vote: All in Favor (5-0)

Finding #2: D. Trapasso stated that Finding #2 is that there is a hardship caused by the soil conditions shape or topography.

The Board discussed that there were circumstances related to the topography shape and soil conditions that would cause a hardship to the applicant and the applicant also has a leasehold interest in the property and this property appears to provide the most cost effective option to providing service. The applicant would need perhaps two or more other locations to fill the same gap in service coverage that this location will provide.

Motion: To find that the variance request meets criteria #2 that states that there is a hardship.

By: E. Banks

2nd: T. Welch

Vote: All in Favor (5-0)

Finding #3: D. Trapasso stated that Finding #3 is that the variance could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

The Board discussed that the proposed tower would benefit the neighborhood by filling a coverage gap, the property has already received a Variance to the frontage requirements, the existing driveway would be used for the construction of the facility and the tower would then be unmanned so it would not be adding any additional burden of traffic or impact to the neighborhood.

Motion: To find that the variance request meets criteria #3 that states the variance could be granted “without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

By: E. Banks

2nd: T. Welch

Vote: All in Favor (5-0)

Motion: To approve the variance requested to allow the construction and operation of a wireless communications facility on a parcel that contains 100’ of frontage where 150’ of frontage is required as shown on the plans and supporting documents submitted.

By: E. Banks

2nd: T. Welch

Vote: All in Favor (5-0)

J. Bubon asked D. Maxson if he would recommend the Board also vote under the Federal Standard. D. Maxson explained the reason a Board may want to vote under the Federal

Standard but stated that it may be better to leave it as is because a granted Variance could be moved on to the Planning Board for more review if needed.

Motion: To close the Public Hearing.

By: T. Welch

2nd: M. Thorpe

Vote: All in Favor (5-0)

Documents Reviewed:

- *Variance Application;*
- *A Certified List of Abutters;*
- *Deed, Book: 45302/Page:267;*
- *Letter of Authorization from the property owner to allow Vertex Towers, LLC and any designated agents to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of the wireless communications facility;*
- *Project Narrative;*
- *Report of Site Acquisition Specialist;*
- *Report of RF Engineer and RF Coverage Maps;*
- *A plan entitled "Vertex Towers Sturbridge MA VT-MA-3155D – 92 Stallion Hill Road, Sturbridge, MA 01566". Prepared by Dewberry Engineers Inc. (99 Summer Street, Suite 700 – Boston, MA 02110) dated 7/26/2023 revised through 11/01/2023;*
- *Email entitled: "RE: Telecommunications Tower Application – 92 Stallion Hill Road" from Jonathan D. Eichman (KP Law), sent to Jean Bubon, Robin Grimm and Jeneé Lacy, dated 11/21/23;*
- *A document entitled "Calculated Radio Frequency Emissions Report Verizon Sturbridge W MA 92 Stallion Hill Road, Sturbridge, MA 01518". Prepared by C² Systems, LLC (65 Dartmouth Drive Auburn, NH 03032) dated 1/15/24;*
- *Legal Notice;*
- *Town Planner Report;*
- *Department memos*

Town Planner Update

J. Bubon stated that the next ZBA meeting would be February 21st and there would be a Special Permit application on that meeting for an Accessory Dwelling Unit.

Adjournment

Motion: To adjourn.

By: M. Thorpe

2nd: T. Welch

Vote: All in Favor (5-0)

The meeting adjourned at 7:55pm.

Minutes prepared by: Jeneé Lacy