



**MINUTES OF THE ZONING BOARD OF APPEALS
ANDOVER, MASSACHUSETTS**

**Conference Room A, 3rd Floor, Town Office, 36 Bartlet Street, Andover, MA 01810
December 3, 2015**

The meeting opened at 7:02 p.m.

Present were: David W. Brown, Chair; Neil Magenheim, Clerk; Carol C. McDonough, Elizabeth Oltman, Member; Denise Bordonaro, Lisa Rechisky & Tara Wilson, Associate Members.

Brown gave an overview of the Zoning Board procedure.

Petition Number: Z-15-122

Premises Affected: 165 Haverhill St.

Petitioner: Lawrence General Hospital

Relief requested: variance §§5.2.8.1.A & b &/or special permit §§5.2.5.1 & 5.5.5.3 to erect more than the allowed number of signs & to internally illuminate said signs

Members sitting: Brown, Magenheim, McDonough, Oltman

Petitioner submitted a request to continue without opening the hearing to 1/7/16. McDonough made a motion to continue the hearing without opening it to 1/7/16. Magenheim seconded the motion & the Board voted (4-0) to continue the hearing without opening to 1/7/16.

Petition Number: Z-15-136

Premises Affected: 95 Chestnut St.

Petitioner: Norris

Relief requested: special permit §3.3.5 &/or variance §4.1.2 to construct an addition that will not meet the minimum side yard setback

Members sitting: Brown, Magenheim, McDonough, Oltman, Wilson (for vacant seat)

Alternates: Bordonaro

Kara Norris represented herself & her husband in their request for a special permit &/or a variance to construct a porch addition that will not meet the minimum side yard depth requirement. The addition will be in line with the existing house, which was built in approximately 1920. Brown noted the consistent foundations between the main house and rear wing as depicted in a Google Street view that he submitted for the record. The rear abutter is Memorial Circle, owned by the Housing Authority, which is set back a few hundred feet from the Norris house. The Norris' spoke with abutters. None expressed concern. There being no other questions or comments from the Board or the public, Magenheim made a motion to waive the site view & to close the public hearing. Oltman seconded the motion & the Board voted (5-0) to waive the view & close the hearing. The Board then deliberated.

The Board noted the proposed addition's consistency with the character of the neighborhood. Since the house was constructed prior to the zoning bylaw, it is eligible for a special permit. Oltman made a motion to grant the special permit with condition that it shall be constructed in substantial conformance with the plans & plot plan submitted and to deny the variance as moot. McDonough seconded the motion & the Board voted (5-0) to grant the special permit & deny the variance as moot. Oltman will write the decision.

In addition to the written application, the following documents and materials were received by the Board and considered at the public hearing:

- Architectural drawings, 5 pages, prepared by Lassanah Home Designer, dated 7/15/2015 & 8/30/2015.
- “Plan of Land” for 95 Chestnut Street, drawn for Kara Norris, prepared by Frank S. Giles, Professional Land Surveyor, dated July 29, 2015.
- Google Street View photograph of 95 Chestnut Street.

At 7:14 p.m., Associate Member Rechisky arrived.

Petition Number: Z-15-137

Premises Affected: near 350 Lowell St.

Petitioner: Verizon

Relief requested: special permit §6.1 to install CRAN on existing utility poles throughout town within the Town right-of-way

Members sitting: Brown, Magenheim, McDonough, Oltman, Bordonaro (for vacant seat)

Alternates: Rechisky, Wilson

Attorney Chris Swiniarski represented the petition’s request for a special permit to install a town-wide Cloud Radio Access Network (CRAN), consisting of small-scale antennas & supporting equipment mounted to existing utility poles owned by National Grid. The first installation will be on the pole within the town right of way in front of 350 Lowell Street. McDonough asked for a point of clarification: is the application for this one location alone or town-wide? Brown noted the applicant’s request for permission to install the CRAN town-wide, in a manner of omnibus relief. Swiniarski explained that the technology uses existing fiber optic cables to target coverage in specific areas and that the top or side-mounted antennas are visually unobtrusive. The request for town-wide permission is to minimize the number of times they’d appear before the Board, which would expedite the project significantly. Prior to each installation, notification would be submitted to the Town. The CRAN does not allow for collocation, unlike monopoles. Each provider would have to install their own CRAN. The Board discussed the visual impact of CRAN’s being installed on virtually every utility pole and how it would change the look of a neighborhood, as well as the potential concerns by abutters, who wouldn’t be notified each time the antenna is mounted near them. The approximate total number of installations over the next two years would be 35. Swiniarski will submit a map showing the locations of the proposed CRAN installations. The Board asked about RF emissions. Swiniarski reminded the Board that federal law pre-empts state/local laws from considering RF emissions. He stated that the CRAN’s RF emission levels are less than 1% of the threshold. The Board asked for further clarification on how the CRAN operates: using fiber optic cables to provide increased coverage at a localized spot.

The Board discussed the nature of a blanket special permit, the requested waivers, minimum conditions if approved, whether installation would require a police detail, if the number of locations is limited, and which authority should be notified prior to each installation. Swiniarski explained that the license is unlimited, but specific locations have to be identified for each installation. The Board asked Swiniarski to provide documentation from other communities regarding how they deal with such installations, a draft decision based on the public hearing along with proposed findings & conditions as part of a reasonable decision, and the proposed locations for the installations in Andover. Brown noted the requirement of posting a bond to cover removal costs if the installations are abandoned. There being no other questions or comments from the Board or the public, Magenheim made a motion to continue the public hearing to 1/7/16. McDonough seconded the motion & the Board voted (7-0) to continue the hearing to 1/7/16.

In addition to the written application, the following documents and materials were received by the Board and considered at the public hearing:

- Memorandum from Bradford W. Melson dated November 9, 2015, describing proposed CRAN installation & response to application requirements.
- Photographs and drawings describing proposed CRAN installation, 3 sheets (L-1, L-2, L-3) prepared by Hudson Design Group LLC, dated 04/06/15.
- “Evidence of Pole Attachment Agreement” signed by Amy Sullivan, Senior Analyst, National Grid, dated October 20, 2015
- Copy of Andover ZBA Decision Nos. 3526-3533 to National Grid Communications, filed August 29, 2005.
- Copies of PCS Broadband Licenses KNL646 & KNLH242, Cellular License KNKA201 & 700MHz Upper Band License WQJQ689

Approval of Minutes of 11/5/15:

Brown noted that he made revisions that were submitted by email. Rechisky made a motion to approve the minutes of 11/5/15 as revised by Brown. Oltman seconded the motion & the Board voted (7-1) to approve the minutes as revised.

Discussion Items:

Zoning Board Rules & Regulations – Article 3 has not been addressed in the draft as revised by Brown. The Board discussed what a quorum is as it relates to administrative matters versus public hearings, as well as the Mullen Rule. The consensus of the Board was that four members should be required for a quorum for all matters, with the affirmative votes of 3 members required to approve routine matters where a supermajority is not required by state law.

Family Dwelling Units – simplifying the renewal process. The Board discussed in general the criteria for granting a Family Dwelling Unit special permit and Brown’s proposal to simplify the FDU renewal process. The Administrative Secretary will ask Town Counsel whether the proposal is allowable under the Zoning By-law and/or state laws.

There being no other business of the Board, McDonough made a motion to adjourn the meeting. Bordonaro seconded the motion and the Board voted unanimously (7-0) to adjourn the meeting at 9:17 p.m.

Rechisky informed the Board that she will not be present at the February & March meetings.

Respectfully submitted,
Barbara Burke
Administrative Secretary