

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**June 9, 2008  
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

<b>Zoning Board Members Present:</b>	Leonard Ciuffredo, Chair David George, Vice-Chair Andrew Freilich Lawrence Abramoff
<b>Staff Present:</b>	Joel Fontane, Division of Planning & Regulatory Services Judy Stolberg, Division of Planning & Regulatory Services John Kelly, Division of Code Enforcement

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Ciuffredo called the meeting to order at 5:40 PM.

**APPROVAL OF MINTUES**

Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the minutes from the May 12, 2008 meeting.

**UNFINISHED BUSINESS**

- 1. 620 West Boylston Street (ZB-2008-034) – Special Permit:** Attorney Simon Brighenti, representative for Omnipoint Communications, petitioner, requested a continuance to June 23, 2008 in order to provide lease information requested from the Department of Capital Asset Management as well as final plan revisions. Stephen Quist and John Carnegie expressed opposition to the request, however, Chair Ciuffredo said the unredacted lease was requested by the Board and it is not the fault of the petitioner that it has not been received. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the request of the petitioner for a continuance to the June 23, 2008 meeting.
- 2. 18 Grafton Street (ZB-2008-029) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit to construct a personal wireless communication facility consisting of 3 antennas to be mounted on an existing pipe mount attached to the existing penthouse roofline and wrapped inside a fiberglass radome and telecommunication cabinets placed on an existing (abandoned) steel frame adjacent to and shielded by said penthouse. Chair Ciuffredo asked why it would be wrapped inside a fiberglass radome and Mr. Parisi stated because the fiberglass radome is already there. Chair

Ciuffredo asked if the application requirement waivers requested were reasonable and Mr. Fontane responded that staff had reviewed them and recommended approval of the application requirement waivers. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: to allow a personal wireless service communication facility**

The Special Permit was approved with the following conditions:

- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:
  1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
    - (1) Social, economic or community needs that are served by the proposal:

**Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.**

**(2) Traffic flow and safety, including access, parking and loading areas:**

**The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.**

**(3) Adequacy of utilities and other public services:**

**No public services or utilities are required for the proposed use.**

**(4) Neighborhood character and social structure:**

**The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.**

**(5) Impacts on the natural environment:**

**The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.**

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

**2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

**The proposed antennas will be mounted to an existing pipe mount attached to an existing penthouse and will be wrapped inside a fiberglass radome. The equipment cabinets will be placed on an existing steel frame adjacent to and shielded by the existing mechanical penthouse.**

3. **The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

**The petitioner is not proposing to use any equipment shelters.**

4. **The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

**The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.**

5. **The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

**The proposed PWSF will not produce any noise or hazardous waste.**

6. **The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

**The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.**

3. **425 Pleasant Street (ZB-2008-030) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility consisting of 6 antennas to be mounted at 168 feet on the side and not to exceed the height of the existing mechanical penthouse and telecommunication cabinets on a steel frame immediately adjacent to and shielded by said penthouse. Chair Ciuffredo asked why these antennas were not wrapped in fiberglass. Mr. Parisi said it was because of the number of antennas. Mr. Fontane asked if the equipment made any noise discernable on the upper floors of the building. Mr. Parisi said the equipment had small cooling fans similar to those in a computer and the noise from these fans would not be heard on the upper floors of the building. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: To allow a personal wireless service communication facility**

The Special Permit was approved with the following conditions:

- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:
  1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
    - (1) Social, economic or community needs that are served by the proposal:  
  
Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.
    - (2) Traffic flow and safety, including access, parking and loading areas:  
  
The facility will be unmanned and will be visited only periodically by

**maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.**

**(3) Adequacy of utilities and other public services:**

**No public services or utilities are required for the proposed use.**

**(4) Neighborhood character and social structure:**

**The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.**

**(5) Impacts on the natural environment:**

**The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.**

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

**2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

**The proposed antennas will not exceed the height of the existing mechanical penthouse and the telecommunication cabinets will be shielded by said penthouse.**

**3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

**The petitioner will utilize weatherproof outdoor cabinets and is not proposing to use any equipment shelters.**

- 4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.

- 5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

The proposed PWSF will not produce any noise or hazardous waste.

- 6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.

- 4. 50 Murray Avenue (ZB-2008-031) – Amendment to Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for an Amendment to Special Permit for a Personal Services Wireless Facility consisting of a total of six antennas to be mounted on an existing mechanical penthouse at a height of 107.3 feet and placement of telecommunication cabinets on a steel frame adjacent to and shielded by said penthouse. Upon a motion by Andrew Freilich and seconded by David George, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

- 1. Vicinity Plan**
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
- 2. Sight Lines and Photographs**
  - Security Barrier
- 3. Design Filing Requirements**
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Amendment to Special Permit: To allow a personal wireless service communication facility**

The Amendment to Special Permit was approved with the following conditions:

- **That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.**
- **That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.**
- **That the following findings of fact are hereby adopted:**
  1. **Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:**
    - (1) **Social, economic or community needs that are served by the proposal:**

**Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.**
    - (2) **Traffic flow and safety, including access, parking and loading areas:**

**The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.**
    - (3) **Adequacy of utilities and other public services:**

**No public services or utilities are required for the proposed use.**
    - (4) **Neighborhood character and social structure:**

**The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.**

**(5) Impacts on the natural environment:**

The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.

2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:

The proposed antennas will not exceed the height of the existing mechanical penthouse and the telecommunication cabinets will be shielded by said penthouse.

3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:

The petitioner will utilize weatherproof outdoor cabinets and is not proposing to use any equipment shelters.

4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :

The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.

5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :

The proposed PWSF will not produce any noise or hazardous waste.

**6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

**The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.**

5. **1050 Main Street (ZB-2008-032) – Amendment to Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for an Amendment to Special Permit for a Personal Services Wireless Facility consisting of 6 antennas: 2 of which will be mounted to an existing penthouse at a height of 134 feet above ground level; 2 of which will be mounted on an existing steel railing at 127 feet; and 2 antennas on a proposed steel frame at 127 feet; and placement of telecommunications cabinets on a steel frame adjacent to and shielded by said penthouse. Chair Ciuffredo said this particular location had four existing facilities already and was particularly unsightly. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Amendment to Special Permit: To allow a personal wireless service communication facility**

The Amendment to Special Permit was approved with the following conditions:

- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:

**1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:**

**(1) Social, economic or community needs that are served by the proposal:**

Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.

**(2) Traffic flow and safety, including access, parking and loading areas:**

The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.

**(3) Adequacy of utilities and other public services:**

No public services or utilities are required for the proposed use.

**(4) Neighborhood character and social structure:**

The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.

**(5) Impacts on the natural environment:**

The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.

**(6) Potential fiscal impact, including city services needed, tax base, and**

**employment:**

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

- 2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

The proposed antennas will be painted to match the existing façade of the building and the telecommunications cabinets will be shielded by the existing mechanical penthouse. No antennas will exceed the height of the penthouse.

- 3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

The petitioner is not proposing to use any equipment shelters.

- 4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.

- 5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

The proposed PWSF will not produce any noise or hazardous waste.

- 6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.

## **NEW BUSINESS**

6. **13 Marland Road (ZB-2008-043) – Variances:** Gary Prime, representative for BeeHive Builders, Inc., petitioner, presented the plan to divide the property into two lots, one for the existing three-family dwelling and one for construction of a two-family dwelling. Mr. Prime told the Board that off-street parking would be provided for both lots. He also noted that even though the frontage configuration for the lot with the three-family dwelling is not typical, the lot does meet the irregularity factor. Mr. George noted that both lots meet the square footage and frontage requirements for a BL-1.0 district. Erika McBride, an abutter, was concerned that a shed mentioned in the notice she received was her shed and that the petitioner intended to do something on her property. Mr. Prime assured her that the shed referred to in the notice had already been razed and they had no intention of encroaching onto her property. Staff noted that the decks shown on the plan included with the application did not meet Zoning Ordinance requirements. Mr. George asked if the petitioner had considered using pavers for the proposed off-street parking area for the three-family dwelling rather than have so much impervious area. The petitioner responded that they had first considered using gravel but DPW had said paving was preferred to gravel. Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Variance: Relief of 2.2 feet from the side yard setback requirement**
- **Variance: Relief of 3.7 feet from the front yard setback requirement**

The Variances were approved with the following conditions:

- **That decks are not to be constructed as shown on the plan or reconfigured to meet the Zoning Ordinance.**
- **That pavers be considered at the petitioner's discretion.**

7. **2 Bristol Street (ZB-2008-045) – Special Permit:** Mark Blanchard, representative for the petitioner, Robert Masiello, presented the petition. He said the petitioner seeks to expand the accessory use (garage) by constructing a 20' x 21.5' addition to the existing garage making the accessory structure cover 11.53% of the lot. He said the addition will be constructed to match the original garage. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: To allow an accessory structure more than 10% of the lot area**

The Special Permit was approved with the following conditions:

- **That the garage is not to be habitable.**

- **That the garage is to be for personal use only with no business related storage.**
  - **That no plumbing in the garage.**
8. **1 Kelly Square (ZB-2008-046) – Variance:** Francis Caruso, representative for the petitioners, Michael Buehrie and William Bibaud, presented the petition. He said the petitioner seeks a Variance for relief of 94 parking spaces from the off-street parking requirement to use the front portion of the first floor as a nightclub. He said Mr. Buehrie has a similar operation in Springfield and runs an excellent operation. He indicated that the demographic they are seeking are people in their upper twenties who enjoy modern classic rock. He emphasized that the business was a bar use only and not a dance club. Mr. Fontane informed the Board that the surrounding area has undergone significant redevelopment recently. He said the administration has proposed a parking overlay for the area to encourage such redevelopment and, under the new zoning regulations, the proposed use would not require a variance. However, he continued that the hearing process is not yet completed by the City Council and the earliest ordination date would be July 8, 2008. The petitioner seeks to open the business soon, therefore, the Variance was requested. Mr. George asked if the proposed development would satisfy the requirements of the overlay if it existed now and Mr. Fontane replied that the parking requirement would be satisfied if ordination had already taken place. Mr. Abramoff asked about the capacity of the establishment. Mr. Caruso responded that the capacity was 300 patrons. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:
- **Variance: Relief of 94 spaces from the off-street parking requirement.**
9. **124 Forest Street (ZB-2008-047) – Variances:** Richard Tedesco, petitioner, said he is seeking a Variance for 2.5 feet of relief from the front yard setback requirement and a Variance for 5.4 feet of relief from the rear yard setback requirement to add a farmer's porch to the front and a deck to the rear of the single-family dwelling. Mr. Tedesco said he wants to construct the porch from corner to corner rather than the 50% length that is allowed by right in the ordinance. He said it would vastly improve the appearance of the dwelling. Chair Ciuffredo said he was not at all pleased with how the house had been constructed because it did not match the character of the neighborhood at all. Mr. George said that the dwelling was new construction and there were no excuses for its appearance. Mr. Tedesco said the new owner is attempting to give the house more character. Mr. Freilich said he was disappointed in the look of the house as well but he would rather improve the situation rather than leave it as is. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:
- **Variance: Relief of 2.5 feet from the front yard setback requirement**
  - **Variance: Relief of 5.4 feet from the rear yard setback requirement**

The Variances were approved with the following conditions:

- **That the drive have a “T” formation to eliminate backing into the street.**
- **That the farmer’s porch be built according to the rendering submitted and marked as “Exhibit A”.**

**10. 2 Barnstable Road (ZB-2008-048) – Variances:** Donald Bray, representative for the petitioner, Stephen Hopkins, stated the petitioner seeks a Variance for 15 feet of relief from the exterior side yard setback requirement and a Variance for 1.6 feet of relief from the height requirement for a retaining wall to construct a single-family dwelling and a 16-foot high retaining wall. Mr. Fontane said the recently constructed retaining wall represents a significant departure from the site plan that was approved by the Planning Board on June 20, 2007. Mr. Kelly said an code observed the height which resulted in the issuance of a Cease and Desist Order on December 4, 2007. Mr. Bray said he took responsibility for the mistake because he had forgotten about the height requirement in the haste to complete the wall before winter. He said they had come upon a large area of ledge during the construction and had to change the design. Mr. Kelly said because of the size of the wall, it is considered a structure. Robert Gates, representative from the Indian Lake Watershed Association, said his group met to discuss the wall. He said they were concerned about its safety. He said it is unsightly and looks like a climbing wall. Given the location across from a park, he worried that children would be drawn to it. He indicated that he had measured the wall with a tape measure and that it was 21 feet in height. Mr. Freilich noted that he had driven by during the construction and thought it was a well built wall but not what was approved. He asked if soil samples had been done, and, if so, had they shown ledge deposits. Mr. Bray said they had done borings but had not found ledge. Mr. Fontane said the original 15% slope definitive site plan had incorporated significant terracing in its design. Mr. Abramoff questioned what would happen if the Variances were denied. Mr. Fontane said the wall would have to be redesigned, constructed to the originally approved plan or an alternative plan in compliance with the Zoning Ordinance. Mr. Hopkins said he had spent \$70,000 on the wall and he was unhappy with it too. But, he said, it is well built with good drainage and his goal is to install planters. Mr. Abramoff said he understands the wall is ugly and he also understands that Mr. Hopkins has spent a large amount of money to date. He urged both sides to meet and come to some sort of agreement. Chair Ciuffredo suggested that the petitioner withdraw the petition and meet with representatives from the Indian Lake Watershed Association and Code Enforcement staff to come to a mutual resolution. Mr. Hopkins requested Leave to Withdraw without prejudice. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the request of the petitioner for Leave to Withdraw without prejudice.

**11. 19 McKeon Road (ZB-2008-037A) – Amendment to Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for an Amendment to Special Permit to construct a personal wireless communication facility consisting of 6 antennas, four of which will be mounted on an existing 95-foot chimney at a height of 64 feet above ground level (antenna centerline) and two of which will be mounted on the roof of the

building at a height of 62 feet and to install telecommunications cabinets inside the building. Mr. Parisi said that MetroPCS is in the process of permitting sites and finding additional sites to establish a market that can compete with wired companies such as Verizon to serve the consumer who wants inexpensive regional service with no minute limit. Mr. Fontane noted that there was a typo in the staff memo and that a three-story building is located on the premises not a fifteen-story building. John Carnegie expressed concern relative to taxes paid when the personal wireless service facilities are located on property owned by non-profits. Chair Ciuffredo asked who pays taxes on the equipment. Mr. Parisi stated MetroPCS pays all taxes assessed for the equipment as well as any additional real estate taxes incurred because of the placement of the equipment as part of its lease agreements with property owners. Patricia Reardon asked if the equipment emits radiation that is harmful to people and said she lives directly across the street from the proposed site. Mr. Parisi assured her that any emissions are low enough to dissipate. She also asked if the equipment was affected by the elements and Mr. Parisi responded that it was constructed from materials that are not affected by weather. Chair Ciuffredo noted that multiple cellular companies may be located on one site and asked Mr. Fontane when enough is enough and if the Zoning Ordinance addressed the issue of limiting the number of facilities on a structure. Mr. Fontane said the ordinance provides for some mitigation to improve the appearance of the facilities such as screening and encouraging side mounting on buildings wherever possible, however, there is nothing in the ordinance that limits the number of such facilities on one site. Chair Ciuffredo asked if the Board can request bonding to ensure the equipment is removed when no longer in use. Mr. Fontane said that would be considered an enforcement issue. Mr. Kelly said it is incumbent upon the owner to provide information as to which facilities are in use and which are not. Mr. Abramoff said that abandoned equipment is still taxed and that it would be advantageous to remove it. He also said that the potential proliferation of cellular companies benefits landlords and also benefits residents because more competition brings lower rates. Mr. George asked if any consideration had been given to pushing the location back but Mr. Parisi said as you go farther back, you have to make the facilities taller which makes them more obvious. Ben Orichi, RF Engineer, informed the Board that as part of his radio frequency analysis, he had taken equipment on the roof and took measurements as well as all around the vicinity of the facility and compared his findings to FCC minimum requirements. In all cases, he said, the values were much lower than FCC requirements. Mr. Parisi noted that the facilities don't broadcast energy unless they are being used. Chair Ciuffredo asked Mr. Parisi if he would be comfortable living on the top floor of a building with a roof top facility. He responded that the signal dissipates very quickly and emits a non-ionizing low power heat. Mr. Parisi also noted that if you stood close to the facility for a considerable length of time, you might get a sunburn but there would be no further risks, i.e. genetic mutation would occur. Chair Ciuffredo said he would like a bond in place to ensure removal of abandoned equipment. Mr. Fontane said it would be very difficult to find a company to bond for such a long term. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by Lawrence Abramoff and seconded by David George, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Amendment to Special Permit: To allow a personal wireless service communication facility**

The Amendment to Special Permit was approved with the following conditions:

- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:
  1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
    - (1) Social, economic or community needs that are served by the proposal:  
**Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.**
    - (2) Traffic flow and safety, including access, parking and loading areas:

**The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.**

**(3) Adequacy of utilities and other public services:**

**No public services or utilities are required for the proposed use.**

**(4) Neighborhood character and social structure:**

**The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.**

**(5) Impacts on the natural environment:**

**The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.**

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

**2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

**Four of the proposed antennas will be mounted on an existing chimney and the other two antennas will be mounted on the roof. Telecommunication cabinets will be located within the building. Antennas will be gray which has been found to be the most preferable color for blending in purposes.**

**3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

**The telecommunications cabinets will be located within the building.**

**4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

**The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.**

**5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

**The proposed PWSF will not produce any noise or hazardous waste.**

**6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

**The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.**

**12. 40 Belmont Street (ZB-2008-036A) – Special Permit:** Upon a motion by David George and seconded by Lawrence Abramoff, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to extend the deadline for opening the public hearing to June 24, 2008 and this item was tabled until the June 23, 2008 meeting.

**13. 37 Pleasant Valley Drive (aka 49 Pleasant Valley Drive) (ZB-2008-38A) – Special Permit:** Attorney Francis Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for expansion or change of a pre-existing nonconforming use/structure for a constructing a Personal Services Wireless Facility consisting of 6 antennas which will be mounted on the roof of the building and will not exceed the height of the existing mechanical penthouse and installation of a telecommunications cabinet in an alcove one story below the main building rooftop and shielded by the main building. Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

**1. Vicinity Plan**

- Vegetative Cover
- Proposed Security Barrier
- Distances at grade from the proposed PWFC to each building on the vicinity plan.
- Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.

2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**

The Special Permit was approved with the following conditions:

- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:
  1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
    - (1) Social, economic or community needs that are served by the proposal:  
**Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.**
    - (2) Traffic flow and safety, including access, parking and loading areas:  
**The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.**
    - (3) Adequacy of utilities and other public services:  
**No public services or utilities are required for the proposed use.**

**(4) Neighborhood character and social structure:**

**The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.**

**(5) Impacts on the natural environment:**

**The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.**

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

**2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

**The proposed antennas will be painted to match the existing façade of the building and the telecommunications cabinets will be shielded by the main building. No antennas will exceed the height of the existing mechanical penthouse.**

**3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

**The petitioner will utilize weatherproof outdoor cabinets and is not proposing to use any equipment shelters.**

**4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

**The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There**

**will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.**

- 5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

**The proposed PWSF will not produce any noise or hazardous waste.**

- 6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

**The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.**

- 14. 10 Wrentham Road (ZB-2008-39A) – Special Permit:** Attorney Francis Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for expansion or change of a pre-existing nonconforming use/structure to constructing a Personal Services Wireless Facility consisting of 3 antennas which will be mounted at 52 feet inside a stealth flue which will extend not more than 10 feet above the existing mechanical penthouse installing telecommunications cabinets inside the building in a basement mechanical room. Mr. Kelly said the antennas can be no more than 10 feet above the roof line and the petitioner may need to apply for a Variance. Mr. Fontane disclosed that \$31.00 in back taxes are owed to the City. Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**

The Special Permit was approved with the following conditions:

- All back taxes are paid to the satisfaction of the City Treasurer.
- That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.
- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:

1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

- (1) Social, economic or community needs that are served by the proposal:

Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.

- (2) Traffic flow and safety, including access, parking and loading areas:

The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.

- (3) Adequacy of utilities and other public services:

No public services or utilities are required for the proposed use.

- (4) Neighborhood character and social structure:

The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.

**(5) Impacts on the natural environment:**

The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.

**(6) Potential fiscal impact, including city services needed, tax base, and employment:**

MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.

**2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:**

The proposed antennas will be painted to match the existing façade of the building and the telecommunications cabinets will be shielded by the main building. No antennas will exceed the height of the existing mechanical penthouse.

**3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:**

The petitioner will utilize weatherproof outdoor cabinets and is not proposing to use any equipment shelters.

**4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :**

The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.

**5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :**

**The proposed PWSF will not produce any noise or hazardous waste.**

**6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:**

**The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.**

**15. 39 First Street (ZB-2008-40A) – Special Permit:** Attorney Francis Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for expansion or change of a pre-existing nonconforming use/structure to construct a Personal Services Wireless Facility consisting of 6 antennas which will be mounted on the roof of the building and will not exceed the height of the existing mechanical penthouse and installation of telecommunications cabinets on the roof adjacent to and shielded by the mechanical penthouse. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed PWFC to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Sight Lines and Photographs
  - Security Barrier
3. Design Filing Requirements
  - Landscape Plan
  - Balloon Test

Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**

The Special Permit was approved with the following conditions:

- **That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.**

- That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.
- That the following findings of fact are hereby adopted:
  1. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
    - (1) Social, economic or community needs that are served by the proposal:

Beneficial impacts include the provision of low cost, flat rate wireless telecommunications services. Increased competition in the market will bring down the overall cost of wireless communications providing a benefit to the community.
    - (2) Traffic flow and safety, including access, parking and loading areas:

The facility will be unmanned and will be visited only periodically by maintenance personnel. There will no impact on traffic flow and safety, access, parking and loading areas.
    - (3) Adequacy of utilities and other public services:

No public services or utilities are required for the proposed use.
    - (4) Neighborhood character and social structure:

The proposed use does not involve the construction of a new telecommunication tower but utilizes the existing rooftop which already has existing personal wireless service facilities. Neighborhood character and social structure will not be changed.
    - (5) Impacts on the natural environment:

The use is passive in nature and will not generate any traffic, smoke, dust, heat, glare, discharge of noxious substances nor will it pollute waterways or groundwater. The placement of a telecommunications facility on the rooftop as proposed should not negatively impact the natural environment in any way.
    - (6) Potential fiscal impact, including city services needed, tax base, and employment:

**MetroPCS has entered into a lease agreement with the property owner and has agreed to pay to the landlord any increase in real estate taxes attributable to the installation as well as the personal property taxes assessed against MetroPCS's personal property. MetroPCS has also agreed to pay taxes for its property directly assessed by the City.**

2. If roof mounted, every effort has been made to conceal the PWSF within or behind existing architectural features to limit its visibility from adjoining ways by:

The proposed antennas will be painted to match the existing façade of the building and the telecommunications cabinets will be shielded by the main building. No antennas will exceed the height of the existing mechanical penthouse.

3. The equipment shelters will be consistent with one of the design standards in Article IV, Section 12. D. 2. of the Zoning Ordinance by:

The petitioner will utilize weatherproof outdoor cabinets and is not proposing to use any equipment shelters.

4. The PWSF will meet the lighting and signage requirements of Article IV, Section 12. D. 3. of the Zoning Ordinance by :

The facility will not be lit. The only signage will be small and will identify the facility, owner and operator and an emergency telephone number. There will also be a small sign warning of no trespassing as well as a sign displaying the FCC registration number.

5. The PWSF will meet the Environmental Standards of Article IV, Section 12. D. 5. of the Zoning Ordinance by :

The proposed PWSF will not produce any noise or hazardous waste.

6. The PWSF will meet the Safety Standards of Article IV, Section 12. D. 6. of the Zoning Ordinance by:

The proposed PWSF will function as a wireless telephone communications site which operates under a license from the Federal Communications Commission and must meet Radio Frequency Radiation Standards and any amendments thereto.

16. **45 Arctic Street/14 Hygeia Street (aka 10 Plastic Street) (ZB-2008-042) – Extension of Time – Special Permits:** Joanna Paquin, representative for the petitioner, Edwin Escobar, said Mr. Escobar is seeking an Extension of Time for a Special Permit for expansion or

change of a pre-existing nonconforming use/structure and for a Special Permit to modify the parking layout by reduction of the access aisle width in the parking garage from 24 feet to 17 feet. He plans to redevelop the existing three-story structure at 45 Arctic Street into 36 residential units and redevelop the existing five-story structure at 14 Hygeia Street into commercial/retail units and parking for both properties. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the following:

- **Extension of Time Special Permit: To modify parking layout by reduction of access aisle width from 24' to 17' for one year**
- **Extension of Time Special Permit: Expansion or change of a pre-existing nonconforming use/structure for one year**

#### **OTHER BUSINESS**

There was no other business.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 10:10 P.M.