

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
JULY 30TH, 2008

This Regular Meeting of the Zoning Board of Appeals was held in the Great Hall of Searles Building, City Hall, and was called to order at 7:10 PM.

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Mr. Jesse Ramirez, Member
Ms. Patricia. Uliano, Member
Mr. Peter Giordano, Alternate Member

MEMBERS ABSENT:

Ms. Laura Walta, Vice Chairman
Mr. Richard Lacroix, Clerk

OTHERS IN ATTENDANCE:

Ms. Gwen Martone, Public Recorder

STATEMENT BY THE CHAIRMAN:

Chairman D'Agostino read a statement prior to the opening of this meeting advising appeal rights.

ATTENDANCE:

Board Member, Jesse Ramirez called the roll with four (4) members present at this meeting.

ROLL CALL:

Board Member, Jesse Ramirez called the roll of Applicants.

REQUEST TO CONTINUE TO NEXT MONTH:

#2008-32 *Mario Costa, TR, MLT Realty Trust, 42 Wet Ayer Street, Methuen, MA 01844*

Special Permit required under Section IX-B of the Comprehensive Zoning Ordinance of the City of Methuen to extend a non-conforming use to add an additional apartment to an existing, eight (8) unit complex in a Residential D (RD) District at # 157 – 159 Merrimack Street, Methuen, MA 01844.

Chairman D'Agostino indicated that they were in receipt of letter from Atty. Anthony C. Copani requesting that this petition be continued to next months meeting.

MOTION: *Matthew D'Agostino moved to allow the petitioner to continue to the August Public Hearing*
Jesse Ramirez seconded this motion.

VOTE: *4-0-0 UNANIMOUSLY APPROVED*

#2008-33 **Jeffco, Inc., P.O. Box 802, Andover, MA 01810**

Special Permit required under Section IX-B of the Comprehensive Zoning Ordinance of the City of Methuen to extend a non-conforming use by razing an existing two-family dwelling and constructing a new two-family dwelling in a Residential D (RD) District at # 13 Golf Avenue, Methuen, MA 01844.

Chairman D'Agostino indicated that they were in receipt of letter from Atty. Anthony C. Copani requesting that this petition be continued to next months meeting.

MOTION: *Matthew D'Agostino moved to allow the petitioner to continue to the August Public Hearing
Patricia Uliano seconded this motion.*

VOTE: *4-0-0 UNANIMOUSLY APPROVED*

REQUEST TO WITHDRAW APPLICATION:

#2008-34A **Danny Realty Trust, 15 Erie Road, Methuen, MA 01844**
William H. Daly, 24 James Road, Methuen, Massachusetts 01844

Special Permit required under Section IX-B of the Comprehensive Zoning Ordinance of the City of Methuen to extend a non-conforming use by constructing an addition to a bar and retail store creating one building in a Residential D (RD) District at # 165 – 169 Merrimack Street, Methuen, MA 01844.

#2008-34B **Danny Realty Trust, 15 Erie Road, Methuen, MA 01844**
William H. Daly, 24 James Road, Methuen, Massachusetts 01844

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to construct an addition that will be too close to the front lot line in a Residential D (RD) District at # 165 – 169 Merrimack Street, Methuen, MA 01844.

MOTION: *Matthew D'Agostino moved to allow the petitioner to withdraw without prejudice.
Patricia Uliano seconded this motion.*

VOTE: *4-0-0 UNANIMOUSLY APPROVED*

ACCEPTANCE OF MINUTES: May 28th, 2008

MOTION: *Patricia Uliano moved to accept the Minutes.
Jesse Ramirez seconded this motion.*

VOTE: *4-0-0 UNANIMOUSLY APPROVED*

NEW BUSINESS:

Methuen Mills LTD Partnership, 500 Victory Road, North Quincy, MA 02171

#2008-35 Co-Applicant: Metro PCS, 285 Billerica Road, Chelmsford, Massachusetts 01824

Special Permit required under Section V-D of the Comprehensive Zoning Ordinance of the City of Methuen for a wireless communications antenna in a Central Business (CBD) District at # 51 Osgood Street, Methuen, MA 01844.

Attorney Peter Morin, McDermott, Quilty & Miller, LLP, 21 Custom House Street – Suite 300, Boston MA, represented the petitioner before the Board. Attorney Miller informed the Board that he was before this Board three years ago September for a Special Permit on behalf of T-Mobile for this very same building. Appearing before the Board with Atty. Miller are Franz Pierre, the Radio Frequency Engineer for Metro P.C.S. and Bill McQuade who is the consultant for New England Wireless Services responsible for obtaining this site. At this time he informed the Board that this installation is essentially identical to that which T-Mobile received three years ago. There are two (2) sets of antennas proposed. One set applied to the exterior of the stairwell as the stairwell portion of the structure extends above the roofline. Another set of antennas will be placed inside of a faux chimney, which is a plastic structure made to look like part of the building. He further indicated that as with T-Mobile, the equipment would be housed within the cupola structure.

According to Atty. Morin, this building was subject to the jurisdiction of the Historical District Commission. He further indicated that on June 26th, 2008 they received a Certificate of Appropriateness for this installation. The only difference between the application before the Board and what was approved by the Commission is that they were proposing to paint the faux chimney to match the brickwork and the Commission requested that it be painted a flat gray so that it looked like part of the steel of the building.

At this time Atty. Morin indicated that this is the first of several requests that Metro P.C.S. will bring before the City. He further indicated that Mr. Pierre, the RF Engineer has radio frequency plots and maps available to show the Board what the network design plan is for Methuen. Chairman D'Agostino stated that for now they would be interested with the facts specific to this petition. At this time Franz Pierre, the RF Engineer came to the podium and explained the maps and coverage that they were trying to achieve. He also indicated that when establishing locations for network coverage, that the first thing they do is look for existing towers in the community and if there is none then they look for existing structures with a decent height to locate antennas. He stated that this is a brand new network that they are trying to build, that there is no coverage at this time. Jesse Ramirez questioned if this was the first tower constructed for the network. Mr. Pierre indicated that this would actually be the second tower and that the first one was located on Pie Hill.

Chairman D'Agostino opened the meeting to Public Participation and no one spoke either in favor or in opposition of this application. Having no discussion, Public Participation was closed and Atty. Morin returned to the podium.

Discussion ensued relative to who Metro P.C.S. was as none of the Board members had heard of this carrier previously. Atty. Morin explained that the FCC had recently licensed another round of frequencies for additional carriers and that Metro P.C.S. was one of the successful bidders for a number of urban markets around the country. He explained that greater Lawrence/Lowell area is being permitted out and built now. Once there are sufficient antennas on the air then the advertising and sales people will sell the services. He further explained that it is a Texas company advertised and sold in various markets around the country but that they are late to New England.

ROLL CALL:

Mr. Peter Giordano – yes, per plan

Mr. Jesse Ramirez – yes, per plan

Ms. Patricia Uliano – yes, per plan

Mr. Matthew D'Agostino – yes, per plan

VOTE: 4-0-0 UNANIMOUSLY APPROVED

ADJOURNMENT:

MOTION: *Jesse Ramirez moved to approve a 7:38 PM adjournment.*

Patricia Uliano seconded this motion.

VOTE: 4-0-0 UNANIMOUSLY APPROVED

Respectfully submitted,

Gwen Martone, Public Recorder
Methuen, MA 01844