

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Members

Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.



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ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

Jeremy Rosenberger
Town Planner
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**ZONING BOARD OF APPEALS
MINUTES**

Wednesday, July 15, 2020

Present: Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
George Panagopoulos, Associate Member

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Administrative Assistant
Michelle Tinger, Community Planning and Engagement Specialist
Andrew Pepoli, Associate Member

The Chairman opened the meeting by reading the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Dedham's Zoning Board of Appeals is being conducted via remote participation by telephone conference call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by dialing toll-free, 1-844-875-7777. The access code is 82695745. Again, the toll-free number is 1-844-875-7777. The access code is 82695745. The Town of Dedham will post a record of this meeting on the Zoning Board of Appeals website page as soon as we are able to.

The Chairman then asked for a roll call of the attendees. In attendance on the conference call were:

Vice Chair, Sara Rosenthal

Member, Jason Mammone

Member, Gregory Jacobsen

Chairman, Scott Steeves

Planning Director, Town of Dedham: Jeremy Rosenberger

Planning Administrative Assistant: Jennifer Doherty

Community Planning and Engagement specialist for the Town of Dedham: Michelle Tinger

Associate Member George Panagopoulos joined the meeting a little later but was not on the video call right away. He was able to join the call later in the evening. *

He then asked if there were any members of the public, or any other attendees, to please identify themselves as this was being conducted by telephone conference call.

The Chairman continued with the first applicant:

325 East Street

Applicant:	Built Right Construction Group, LLC, 24 Deborah Drive, Walpole, MA
Project Address:	325 East Street
Zoning District, Map/Lot:	Central Business Zoning District (CB). Map/Lot 93-21
Legal Notice:	The applicant requests Variance(s) and Special Permits to demolish existing single-family dwelling and construct new two-family dwelling; proposed two-family will continue pre-existing nonconforming lot frontage, area, lot width, front setback, side yard setback and exceed the maximum lot coverage. The +/- 3,545 sq. ft. subject property is located at 325 East Street, Dedham, MA.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 9.2, 9.3 and Table 2.</i>

Erin Joyce, the Civil Engineer for Joyce Consulting Group was representing the applicant.

Chairman Steeves explained to Ms. Joyce that since there were only four members on the video call at that time, she would need a unanimous vote in favor from all four members. He asked her if she wanted to proceed. She deferred to the Applicant, Mr. Rosati from Build Right Construction. The Chairman also stated that they had in their possession a petition from some of the neighbors opposed to the applicant's proposal. The petition had been signed by neighbors at 332 East St., 328 East St., 326 East St., 324 East St. Another one had signatures from 328 East St., 332 East St., 330 East St., and 121 East Street, all in opposition.

Ms. Joyce continued by explaining the proposal. She explained that 325 East Street is located on a preexisting non-conforming small lot and is tucked between Route One and East Street. The current building is a single family building and is set right on the front property line, and she showed on the drawing the existing property lines. She explained it had virtually no off street parking. The applicant is proposing to demolish the existing building and construct a two family building in its place. The two family building structure would be larger in footprint and extend deeper into the site. A small deck at the back of the building is being proposed. Also proposed for access along East Street were two driveways to curb cuts that would enter into a garage at each of the sides of the two family building. This would offer parking for vehicles for the building interior to the building so they wouldn't have to park on the street. The lot is constricted by an easement in the back associated with Route One. They were under in terms of overall lot size of the existing building and would not be able to meet the setbacks per the zoning bylaw. They would be looking for variance for the front and side setbacks. They had already applied for a Stormwater Management Permit from the Conservation Commission but had not been before them yet. Ms. Joyce then showed drawings of the elevations for the proposal.

The Chairman indicated the members that would be voting on the proposal: Sara Rosenthal, Jason Mammone, Greg Jacobsen, and Scott Steeves. He explained again to the applicant that they would need to get unanimous votes in favor from all four members due to their being only four members on the call. It was asked if he wanted to continue. The applicant wished to proceed.

The Chairman asked if there were any questions from the Board. Mr. Greg Jacobsen asked how many vehicles would be able to park there, and how many could fit in the driveway? Erin Joyce explained that the cars would need to park in the garage space interior to the building. They showed the plans which depicted two cars on each side of the two-family house.

Jason Mammone asked what the size area of the new structure would be compared to the existing, as he felt what was being proposed was quite a bit larger. Ms. Joyce said the existing lot is just under 23% lot coverage and the new one would be 41% lot coverage. Mr. Mammone pointed out that was almost twice the size. He understood the property was already nonconforming but he felt it was a very large proposal compared to the other buildings that were surrounding it. Mr. Mammone then asked the Chairman if the petition that had been sent stated a reason for the opposition. The Chairman read the statement from the petition. Mr. Mammone asked if any reach out to the neighbors had been conducted. The Applicant replied in the affirmative.

Chairman Steeves asked if the applicant had considered putting a single family home there and reducing the nonconformity. He also wished to know if they had considered one curb cut instead of two so as not to take away additional car parking on the street. Ms. Joyce answered to the curb cut question, she explained that having just one curb cut did not allow the vehicles enough room to maneuver at the property. It worked much better having the two curb cuts to allow for straight egress to the garage. They also would have started to get into encroachments on the easements associated with route one if they had opted for just one curb cut. The applicant also stated the had considered a single family house but they wished to proceed with the two family option.

The Chairman then asked if there were any questions from the public.

Joseph Traboulssi of 321 East Street stated that he thought whatever they were going to build would be nicer than what was there. However he felt the additional residences would create additional on street parking which could be a problem. He did not want the project to be halted though because he felt strongly it would be an improvement.

Jackson Bloc of 332 East Street spoke next. He had started the petition and had lived there for 17 years. He felt it was a safety issue because there were so few spots that his wife sometimes had to park far away and in winter the sidewalks were not plowed so she had to walk in the middle of the street with their child. He felt the two family structure would take away even more parking and create a greater issue.

Mr. Adnan Derti of 100 Alden Street then spoke. He had questions as to abutter notices and the assessor's database. He also questioned the legal notices. He did not have a question for the applicant or their representative. The Planning Director Jeremy Rosenberger answered that we had met all of the merits of the legal requirements for the advertisement and the notices. The caller stated he was speaking against the applicant because he felt there were deficiencies in the notices and he did not agree with the variances being requested.

Mr. Mammone asked if the application could be continued in order to give the applicant a chance to speak with the neighbors and try to come to a resolution. The Applicant was willing to come back for the next meeting and speak to the neighbors in the meantime. Jason Mammone made a motion to continue the meeting to August 19, 2020 at 7:00 pm. The motion was seconded by Gregory Jacobsen. A roll call vote was taken:

Sara Rosenthal – yes
 Jason Mammone – yes
 Greg Jacobsen – yes
 Scott Steeves – yes

4-0, The application was postponed to August 19, 2020 at 7:00 pm.

***At this time Mr. George Panagopoulos joined the video meeting and was now included in the voting process.**

960 Washington Street

The attorney for the project requested that the Board also open the next agenda item, which was for the same address and same applicant, so that they could explain the project together. The Chairman agreed and he opened the next agenda item.

Applicant:	LAMP Realty Corp.
Project Address:	960 Washington Street
Zoning District, Map/Lot:	Research, Development & Office Zoning District (RDO). Map/Lot 160-32
Legal Notice:	The applicant requests Waivers from the provisions of the Dedham Sign Code to install two (2) illuminated wall signs (+/- 100 sq. ft. and 13.5 sq. ft.); wall signs above the roof line and/or second-floor window frames are not permitted. The +/- 29,246 sq. ft. subject property is located at 960 Washington Street.
Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-19(E), 237-29, 237-30 and Table 2.</i>

Applicant:	LAMP Realty Corp.
Project Address:	960 Washington Street
Zoning District, Map/Lot:	Research, Development & Office Zoning District (RDO). Map/Lot 160-32
Legal Notice:	The applicant requests a Special Permit for a retaining wall in excess of four (4) ft. The +/- 29,246 sq. ft. subject property is located at 960 Washington Street.
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 6.5.2, 9.2, and 9.3.</i>

Peter Zahka, Esquire was in attendance for the applicant, as was Giorgio Petruzzello, the principal of LAMP Realty Corp. Attorney Zahka explained that this was the former Westwood Furniture property. The applicant had already gone before the Dedham Planning Board for Minor Site Plan Review and had received approval for a childcare facility. He explained the project in detail, including the retaining wall and the signage. The approval from the Planning Board included an increase of the parking spaces for a total of 27 spaces. The retaining wall could not be seen from the road. The wall would allow for the playground area to be a safe space for the children and still allow parking in the lot. Attorney Zahka then explained the sign waiver requests. The signs had also been given a favorable recommendation from the Design Review Advisory Board after attending their hearing. They also recommended approval to the Zoning Board.

Chairman Steeves asked if there were any questions from the Board. Jason Mammone had a question regarding the make of the retaining wall. Giorgio Petruzzello answered it was a modular wall that will be set with the excavator, it was 2 feet by 4 feet wide. Mr. Mammone was satisfied.

Vice Chair Sara Rosenthal asked if the retaining wall would be accessible to the children in the playground? Mr. Petruzzello answered no, it would not be. There was also a fence that would not allow it. The fence would be locked for security of the playground.

There were no members of the public that wished to ask any questions.

For the first application, the waivers for the sign code:

Gregory Jacobsen made a motion to approve as presented. The motion was seconded by Sara Rosenthal, and a roll call vote was taken:

Greg Jacobsen – yes
Sara Rosenthal – yes
Jason Mammone – yes
George Panagopoulos – yes
Scott Steeves – yes

Motion passes, 5-0 unanimous.

The second application for the retaining wall:

Gregory Jacobsen made a motion to approve as presented. The motion was seconded by Sara Rosenthal, and a roll call vote was taken:

Greg Jacobsen – yes
Sara Rosenthal – yes
Jason Mammone – yes
George Panagopoulos – yes

Scott Steeves – yes

Motion passes, 5-0 unanimous.

47 Pratt Avenue

The attorney for the project requested that the Board also open the next agenda item, which was for the same address and same applicant, so that they could explain the project together. The Chairman agreed and he opened the next agenda item.

Applicant:	James and Diane McLeish
Project Address:	47 Pratt Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District. Map/Lot 143-3
Legal Notice:	The applicant requests Variances and/or Special Permits to reconstruct front addition after catastrophe; proposed project will not comply with lot area and side yard setback requirements and will maintain pre-existing nonconforming front yard setback. The subject property is located at 47 Pratt Avenue.
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 3.3, 3.37, 9.2, 9.3, and Table 2.</i>

Applicant:	James and Diane McLeish
Project Address:	47 Pratt Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District. Map/Lot 143-3
Legal Notice:	The applicant requests Variances to construct a single family dwelling; proposed lot /dwelling will not comply with the required minimum lot area, side yard setbacks and lot coverage. The subject property is located at 47 Pratt Avenue (Lot 42).
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 3.3, 4.5, 9.2, 9.3, and Table 2.</i>

Present on the video call were the applicants, James and Diane McLeish, and their attorney Peter Zahka, who explained the proposal.

While the Subject Property is shown as a single lot on the Assessors' Maps, the same actually consists of two (2) separate lots shown as Lots 41 and 42 on a "Plan of Building

Lots at Ashcroft Heights in Dedham”, date July 1895, recorded with Norfolk Registry of Deeds as Plan No. 784 in Plan Book 17 According to the aforesaid plan, each lot contains 5,000 square feet of land with 50 feet of frontage on Pratt Avenue (formerly known as Highland Avenue). Lot 41 is currently occupied by a single-family dwelling and an in-ground pool. Per the records maintained by the Dedham Board Assessors, this dwelling was originally constructed circa 1895. Historically, the dwelling has been used as a single-family dwelling, as a single-family dwelling with a small variety store, and as a two-family dwelling. Applicant uses the dwelling as a single-family dwelling. As a result of a fire to the dwelling (described further below), Lot 42, which is the subject of this Application, is currently vacant. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the General Residence (GR) Zoning District.

Applicant (as well Applicant Diane McLeish’s parents who owned the Subject Property prior to Applicant) had always understood that the existing dwelling was located entirely on Lot 41 and that Lot 42 was vacant. However, a survey of the Subject Property conducted in 1996 revealed that the dwelling (and specifically that portion which appears to be an addition) encroached into Lot 42 by approximately 9 inches. Recently, there was a fire which essentially destroyed that portion of the dwelling that encroached upon Lot 42. Due to this fire, Lot 42 is currently vacant.

Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law sets forth the various dimensional requirements for the various zoning districts. Per said Table 1, buildable lots for single family dwellings in the GR Zoning District require a minimum lot area of 7,500 square feet and a minimum lot frontage of 50 feet. As noted above, while both Lot 41 and 42 have the minimum required frontage, they lack the minimum required lot area.

If not for the *de minimus* encroachment into Lot 42 (which no longer exists due to the above described fire), said Lot 42 would have been a so-called grandfather building lot separate from Lot 41 pursuant to Section 4.5 of the Dedham Zoning By-Law (“Separate Lot Protection for Dwellings”) by-Law which provides in pertinent part that:

a single-family detached house . . . may be constructed . . . on a lot having less than the required area and frontage . . . provided further that prior to the effective date of the area and frontage requirements in question, said lot was:

1. Laid out by Plan or Deed duly recorded with Norfolk Registry of Deeds or in the Norfolk Registry of the Land which were in conformity with lot size requirements, if any, that were applicable to the construction of a dwelling on said lot at the time of said recording and provided further that:
 - a. Said lot has an area of at least 5,000 square feet and a frontage of 50 feet;
 - b. That at the time this amendment to the Zoning By-Law became effective, said lot was not in common ownership with

abutting vacant lots or lots which can or could have been combined with said undersized lot to comply with the Zoning requirements in effect at the time this amendment was adopted. [Emphasis added.]

Due to this previous encroachment (which no longer exists due to the above described fire), it appears that Lot 41 and Lot 42 lost their separate identity (i.e., the lots do not qualify as independent building lots) and the protection under the above quoted Section 4.5 of the Dedham Zoning By-Law. Applicant desires (and has requested) variances to establish Lot 41 and Lot 42 as independent and separate building lots¹. Specifically, Applicant seeks a variance to allow Lot 42 to be a building lot with 5,000 square feet of land (instead of the required 7,500 square feet). In addition, in order to accommodate a new dwelling a reasonable size, Applicant seeks a variance to allow the new dwelling to have side yard setbacks of 10 feet (instead of the required 15 feet).

Section 9.2.2 of the Dedham Zoning By-Law provides that the ZBA has the power to hear and decide appeals from variances as set forth in Section 10 of Chapter 40A (the Zoning Act). Section 10 of Chapter 40A of the General Laws of Massachusetts provides that a variance may be granted if:

Owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

Applicant respectfully submits that the requirements and criteria for the issuance of the requested variances is satisfied. Applicant's proposal would allow Lot 42 to be considered a separate building lot. Applicant notes that the lot size of 5,000 square feet is comparable to the majority of the building lots in the neighborhood. Likewise, Applicant intends to construct a new dwelling which is comparable to those in the neighborhood. The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood considering these requirements and criteria. As noted above, if not for a previous encroachment (of approximately 9 inches) of the dwelling on Lot 41 onto Lot 42, said Lot 42 would be a so-called grandfathered building lot (and Applicant would not need relief). Without the requested variances, Applicant would suffer a financial hardship and be unable to construct a new dwelling on Lot 42. Furthermore, the relief can be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the By-Law.

¹ This decision and the application for the same relate only to Lot 42. Applicant has submitted a separate application for special permits and variances for Lot 41.

The Applicant previously submitted a petition signed by six (6) direct abutters indicating their support for the petition. Sundeep Singh, of 39 Pratt Avenue, appeared at the meeting and stated his support for the petition. No one appeared in opposition to the requested relief. However, Adam Derti, of 100 Alden Street, offered statements and comments relative to the legal notice utilized by the ZBA for this and other hearings.

Part one, application 1

A motion was made by Gregory Jacobsen to approve the application as proposed. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Jason Mammone – yes
- George Panagopoulos – yes
- Scott Steeves – yes

Motion passes, 5-0 unanimous.

Part 2 , Application 2

A motion was made by Gregory Jacobsen to approve the application as proposed. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Jason Mammone – yes
- George Panagopoulos – yes
- Scott Steeves – yes

Motion passes, 5-0 unanimous.

300 Providence Highway

Applicant:	Ashbrook Furniture, Inc., 215 South Broadway #314, Salem
Project Address:	300 Providence Highway, Dedham
Zoning District, Map/Lot:	Highway Business Zoning District (HB), Map/Lot 76-1
Legal Notice:	The applicant requests a Waiver from the provision of the Dedham Sign Code to install +/- 198.75 sq. ft. illuminated wall sign; wall signs above the roof line and/or 25 ft. above grade are not permitted.

Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-4, 237-19, 237-29, 237-30, Table 1, and Table 2.</i>
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Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant were Ashoke Rampuria (Applicant’s President) and Kelli Burke (Vice President of the Wilder Co.)

Attorney Zahka explained the Applicant is a new tenant at the Dedham Mall and is leasing approximately 48,683 square feet of floor (formerly occupied by Sears) at the Subject Property.² As a “major tenant” at the Dedham Mall, Applicant proposes to construct a new façade at the store entrance which will have a height of approximately 35 feet. The new façade will be consistent with the colors and material of the remainder of the Dedham Mall building. In addition, Applicant proposes a new wall sign (on the new façade) which will have a height of approximately 29 feet and will be above the lowest point of the roof.

The Dedham Sign Code (Chapter 237 of the Revised By-Laws of the Town of Dedham) sets forth the dimensional and other requirements for signs in the various zoning districts in the Town of Dedham. Chapter 237-19 Section E (Computation of Sign Area and Height) of the Dedham Sign Code provides that, “No wall sign...shall extend higher than the lowest of (i) 25 feet above grade; or (ii) below the second-floor window frame; or (iii) the lowest point of the roof.” The walls of the Dedham Mall extend to various elevations. As stated above, the proposed wall sign will be approximately 29 feet in height and will be higher than the lowest point of the roof. Accordingly, a waiver is required and has been requested from this provision of the Dedham Sign Code.

Pursuant to Sections 237-29 and 237-30 of the Dedham Sign Code, the ZBA is authorized and empowered to grant waivers from the provisions of the Dedham Sign Code. Applicant submits it satisfies the procedural and substantive requirements for the granting the same. As required by Section 237-29 of the Dedham Sign Code, Applicant submitted an application to the Design Review Advisory Board (DRAB) for review of the proposed sign and of Applicant’s intent to seek a waiver. Applicant appeared before DRAB on June 3, 2020, and July 1, 2020, to discuss and review the proposed sign and the requested waiver. At the meeting of July 1, 2020, DRAB voted to recommend that the ZBA approve Applicant’s requested waiver. A letter of recommendation from DRAB dated July 8, 2020, was presented to the ZBA.

Section 237-30 of the Dedham Sign Code provides that the ZBA may grant waivers if “A. Literal compliance with the provisions of this chapter is not practical or is unfeasible or B. Such waivers are recommended by the DRAB, and provided that in all cases the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.” As indicated above, Applicant’s requested relief or waiver has been recommended by DRAB. In

² The 48,683 square feet of floor area consists of 7,884 square feet on the first floor and 40,799 square feet on the second floor.

addition, Applicant submits that literal compliance with the provisions of the Dedham Sign Code is not practical or is unfeasible. Under the Dedham Sign Code, the Dedham Mall is entitled to 7,466 square feet of total sign area. Inclusive of the Applicant’s proposed sign, the total sign area will be under 6,000 square feet. The proposed new wall sign satisfies the requirements of the Dedham Sign Code with the exception of height. Applicant notes that the sign is proposed at this height in order to best utilize the new storefront façade and is similar to the height of other major tenants at the Dedham Mall. Finally, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

No one appeared in support of or opposition to the requested relief.

A motion was made by Sara Rosenthal to approve the application as proposed. The motion was Gregory Jacobsen seconded by, and a roll call vote was taken.

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Jason Mammone – yes
- Scott Steeves – yes

George Panagopoulos was not on the call for this vote.

Motion passes, 4-0 unanimous.

5 Incinerator Road

Applicant:	Town of Dedham
Project Address:	5 Incinerator Road
Zoning District, Map/Lot:	Highway Business Zoning District (HB), Flood Plain Overlay District (FPOD) and Wireless Communications Services Overlay District. Map/Lot 77-68
Legal Notice:	The applicant requests a Special Permit authorizing a municipal facility use (Wireless Communications Facility), a Special Permit authorizing a tower height in excess of 85 ft. (demolish existing 129 ft. incinerator smoke stack and construct Wireless Communication Facility, 200 ft. in height) and a Special Permit to construct said Wireless Communications Facility in a Wireless Communications Overlay District. The +/- 37,026 sq. ft. subject property is located at 5 Incinerator Road, Dedham, MA.

Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 4.2, 8.3, 9.2, 9.3 and Table 1.</i>
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Jason Mammone recused himself from the ZBA for this hearing as he would be assisting to represent the Town of Dedham.

Representing the Town of Dedham were Joseph Flanagan, Director of Public Works, and Jason Mammone, Director of Engineering.

Mr. Flanagan explained that The Town of Dedham Transfer station had a smokestack that had been used for a number of years for cellular antenna communications. The transfer station was closed last year and there are a number of structural issues with the smokestack that require it be demolished. The location was very good for cellular communications and the town receives a substantial amount of revenue from having the cell equipment here. In order to keep that revenue, they would like to build a cell tower in place of the smokestack that could hold the antennas for cell networks. This could potentially offer additional revenue to the town as it would hold more cell equipment than the smokestack could previously. The tower would be 190 feet tall. The town was also still contractually obligated to some of the cellular companies and needed to provide a place for the antennas. A balloon study had been performed to determine line of sight for the tower.

Jason Mammone, Director of Engineering, explained the balloon study. He stated it did not need to be done but the town wanted to do it anyway to determine the impact of the tower. He went into detail about the visual impact of the tower to residents. He was able to determine from the study that approximately 2.5% to 4% of the residents in the town would see the stack.

Chairman Steeves asked if they had looked into the towers that could be made to look like trees. Mr. Flanagan answered yes, they had. However, the feedback about them had been very negative, people really did not like the look of them.

George Panagopoulos asked a study about EMF radiation and do you have any levels? Any numbers that came back from that study? Mr. Flanagan answered that they did not. Mr. Mammone explained that the wireless companies are not allowed to exceed federal thresholds for bandwidth and wavelength because they're under strict regulations. So whatever is going up there is within federal guidelines.

Gregory Jacobsen asked the Chairman if the applicant was asking for the height of the tower to be 190 feet, or 200 feet. The Chairman and Applicant explained that the tower was to be 190 feet but they had asked for 200 feet as a cushion to be on the safe side.

The Chairman asked if there were any questions from the audience and there were. Matthew Watsky was a resident of Westwood but he had an office at 30 Eastbrook Road, the abutting property. He can see the tower from his office window, and he supports the

new tower replacing the older one. He would prefer the tower not be disguised as a tree, he felt they looked ugly. He had questions about the retaining walls around the building, but he understood the ZBA did not have authority over those. He was requesting that as part of the approval the board included a condition that the replacement of the building go before Town Meeting to acquire funds for the project. Joe Flanagan answered that it was the intention, but the tower needed to be done first. Probably in the spring. The Chairman stated that he did not think it would be appropriate to put a condition on this request for a future project that would come before them. The director of the DPW had already made a commitment to the work.

Mr. Gavanavich stated he was the owner of two units at 30 Eastbrook Road and that he was against the cell tower being erected due to health reasons. He said he was a registered nurse and he felt it was dangerous to the residents. His wife Yulia Gavanavich was also in attendance to speak against the cell tower being erected. The Chairman stated that this matter had been addressed previously by Jason Mammone.

Greg Jacobsen made a motion to approve the proposal as presented. The motion was seconded by Sara Rosenthal. A roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
George Panagopoulos – yes
Scott Steeves – yes

The motion passed unanimously 4-0.

Electronic Signatures

Jeremy Rosenberger, Planning Director, raised the matter of electronic signatures for the Board. He wished to make it official that e-signatures had been approved by the Board.

Jason Mammone made a motion to adopt e-signatures officially. George Panagopoulos seconded the motion. A roll call vote was taken.

Jason Mammone – yes
Greg Jacobsen – yes
Sara Rosenthal – yes
George Panagopoulos - yes
Scott Steeves - yes

Motion passes unanimously, 5-0.

Old Business/New Business

Jeremy Rosenberger gave a brief overview of the sign study that the Planning and Zoning office was undergoing. He asked the board to review the initial recommendations from the consultant working on the sign code. Mr. Jacobsen had reviewed the sign code documents that Mr. Rosenberger had sent out and felt there was a lot of good information in there. He wished to get thoughts from the rest of the members regarding streamlining the process more. A short discussion ensued regarding the approval process.

A motion was made by Greg Jacobsen to adjourn the meeting. The motion was seconded by Jason Mammone, and a roll call vote was taken.

Jason Mammone – yes
Greg Jacobsen – yes
Sara Rosenthal – yes
George Panagopoulos - yes
Scott Steeves - yes

Motion passes unanimously, 5-0. The meeting was adjourned at 9:20 pm.