

Harry J. Vlachos, Chairperson

Melissa M. Sambucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

MINUTES

On Monday evening, **November 24, 2008** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Melissa M. Sambucci**, *Acting Chairperson*; **Stuart J. Bailey**, *Member*; **Deborah Elliott**, *Member*; **Carlos Fernandez**, *Member*; **Richard M. Moynihan**, *Alternate Member, Acting Clerk*; **Steve Magoon**, *CDPD Director*; **Nancy Scott**, *Zoning Enforcement Officer*; **Danielle Fillis**, *Senior Planner*; **Louise Civetti**, *Clerk*. *Absent: Harry J. Vlachos, Chairman.*

Tape 1 of 2, Side A

Ms. Santucci opened the meeting as Acting Chairperson for Harry Vlachos, absent. She introduced the board and staff and asked Member Moynihan to swear in the audience and appointed Member Fernandez to be Acting Clerk to the board this evening.

Agenda item #1, Minutes for the October 29, 2008 meeting. Mr. Moynihan motioned to accept the minutes as written. Ms. Elliott seconded. Voted 5-0, approved (Mr. Vlachos absent from vote).

Ms. Santucci noted that 575 Mt. Auburn Street, Peter Kaloostian has requested a continuance to the January 5, 2009 meeting (December agenda).

First case pending:

Paul Hajian, Hajian Architects, Inc., 56 Dexter Avenue, Watertown, MA 02472, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a) and (e) Altrs/Additions to Non-Conforming Structures/Uses and Change Non-conforming use to another Non-conforming use at least as restrictive and **Variance §6.02(k)**, Parking setbacks so as to permit alterations of non-conforming building including westerly side 2nd fl dormer 7.5'x 11', and to further allow change in non-conforming commercial use from office/warehouse to architectural office providing 3 parking spaces, two located 6' from easterly side property line, where 8' is required at **29 Williams Street**, located in the T (Two-Family) Zoning District.

Paul Hajian, architect along with brother, David has had business in Watertown for over 10 years and have been architects for over 20 years. They focus on adaptive reuse and renovation, enjoy working in Watertown, have been looking in Watertown for a while to relocate their business to remain in Watertown. This building fits their goals of adaptive reuse and bringing buildings back into the community. This building requires a change of use from a non-conforming commercial structure to their architectural practice. The site configuration is unusual and will not conform to the setback requirements of zoning. It is in disrepair and all of the surfaces need to be upgraded. They will add windows and a small dormer for natural light. They have a small firm and are planning to keep it that way. They normally go to their clients' businesses and homes. Their use of the building will not be a detriment to the neighborhood.

Ms. Scott asked how many employees there are. Mr. Hajian stated he and his brother are the only employees and occasionally, they have secretarial support part-time. Ms. Scott asked about the existing 10' easement and if their intention is to do it over. Mr. Hajian said they will leave the existing pavement and add grass-pave pavers in the two parking spots 8.5'x44' so it would feel like a green space when the cars are not parked there. They are not adding any pavement to the lot and are attempting to save a large tree. The first spot would only be used intermittently.

Ms. Santucci asked about the pavers in front of the building. Mr. Hajian stated that the area in front of the building would look nicer with pavers instead of the asphalt. The 3rd parking space will remain asphalt.

No one commented from the audience. Ms. Scott said that she had recommended this location to Mr. Hajian and she is happy it is working out as a project for them and a nice reuse for the town.

Mr. Fernandez is in support of the project. No further comments made by the board.

Mr. Moynihan motioned to grant the Special Permit Finding for the alterations/additions to the non-conforming building. Ms. Elliott seconded. Voted 5-0 Granted. (Mr. Vlachos absent)

Mr. Moynihan motioned to grant the Special Permit Finding for the replacement of a non-conforming use with another non-conforming use. Ms. Elliott seconded. Voted 5-0, Granted. (Mr. Vlachos absent)

Mr. Moynihan motioned to grant the Variance from the requirements for parking. Ms. Elliott seconded. Voted 5-0, Granted (Mr. Vlachos absent).

Harry J. Vlachos, Chairperson

Melissa M. Sambucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

MINUTES

On Monday evening, **November 24, 2008** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Melissa M. Sambucci**, *Acting Chairperson*; **Stuart J. Bailey**, *Member*; **Deborah Elliott**, *Member*; **Carlos Fernandez**, *Member*; **Richard M. Moynihan**, *Alternate Member, Acting Clerk*; **Steve Magoon**, *CDPD Director*; **Nancy Scott**, *Zoning Enforcement Officer*; **Danielle Fillis**, *Senior Planner*; **Louise Civetti**, *Clerk*. **Harry J. Vlachos**, *Chairman* arrived at 7:30 p.m.

Tape 1 of 2, Side A, continued

Continued Case:

Michael J. Penta, Trustee, Penta Auto Body Company, Inc., d/b/a Perfection Auto Body, 483 Pleasant Street, Watertown, MA herein requests the Board of Appeals to **Amend Special Permit #92-18** granted November, 1992 and **Amended SP #01-28**, granted July, 2001 to reconfigure the exterior parking of two former B&M Railroad properties permitted for a maximum 122 vehicle storage and allow for an increase to 169 vehicle spaces in the rear of **483 Pleasant Street**, located in the I-3 (Industrial) Zoning District.

Michael J. Penta, Trustee, Penta Auto Body Company, Inc., d/b/a Perfection Auto Body, 483 Pleasant Street, Watertown, MA herein requests the Board of Appeals to **Amend Special Permit #98-47**, granted January, 1999 for Motor Vehicle Body Repair so as to increase number of indoor vehicle storage from permitted 10 to 31 spaces at **10 Bridge Street**, and further amend Conditions #8 & 9, where maximum of 7 vehicles is permitted in front of 483 Pleasant Street building to allow increase number of vehicles to 18 vehicles, located in the I-3 (Industrial) Zoning District.

Chair Vlachos asked Dave Sheehan, representative for Penta Auto Body for an update on the requests made by the board since the last meeting. Mr. Sheehan gave a history of Penta Auto Body stating that Penta Auto Body established in 1983 at 483 Pleasant Street with a two-bay garage that did body work. The property next door was purchased in 1986 and an addition was put on to the original building, tripling the size of the building and lot. A few years later, B&M property was purchased, adding 45,000 square feet to the parking area behind 483 Pleasant Street. In 2001, 10 Bridge Street was leased with 10,000 square feet, entered from the rear of 483 Pleasant Street and used for auto body shop. Prep paint and paint is done at 483 Pleasant Street. These changes over the past 25 years have also come with growing pains. The business as a whole was reviewed and they have made adjustments. They have received positive feedback from customers that have come into the lot for years and are happy with the ease of getting in and out of the lot. The issues addressed from the board were in regards to the 7 original spaces granted. They have hired a full-time lot attendant, separated the body shop and the service office lessening the congestion inside the building, they have added signage to direct customers on where to park on their own, made a separate entrance and exit which are well marked. The easterly side of the lot was closed off from customers and the alley-way is for employees to use to enter/exit the rear lot without having to go onto Pleasant street. The after-hours drop off was changed to eliminate cars being dropped off in the front. Abandoned and junk cars are removed on a continuous basis as to keep the total number of cars on the lot down to a minimum. The old islands in the front are replaced with new, larger ones and are boarded with a decorative black wall, 16" tall and new plants were added. A third island was added on the easterly end with an extension on the end to block customers from driving in from that area.

Chair Vlachos asked about the second part of the request – which is to extend the 7 car parking in the front to 18. Mr. Sheehan said that has been changed to 15 spaces.

Ms. Santucci asked when the islands were installed. Mr. Sheehan said he did them over the last month.

Mr. Fernandez noted that he did not hear this case last month and will not be voting.

Mr. Sheehan said they hired a full time lot attendant to direct the customers coming into the lot. He is stationed in the front, has a lot of responsibilities, and works between the service center and the body shop. Chair Vlachos asked if the conditioned the relief on this attendant always had to be doing this function, would that be acceptable. Mr. Sheehan said absolutely, the job is a necessity now.

Mr. Vlachos asked if new spaces # 7 & 8 are required. Mr. Sheehan said those spaces are for the transient customer pulling in and needing a temporary place to park. The spaces on the easterly side are for cars waiting to get into the paint shop and the other side for the service department. Mr. Sheehan will still be involved in managing the cars on the lot.

Ms. Elliott asked about the amount of staff and the location of their parking. Mr. Sheehan said they have between 20-25 employees and 17 parking spaces. None of the staff park in the MDC parking lot or on the street as the police are there daily tagging cars. Members of the Sons of Italy that work at Penta park in the back of the Sons of Italy. Ms. Elliott noticed that the same cars are parked in the MDC lot all day long. Mr. Sheehan said he told the employees that there are parking spaces on site and they are to use them. If an employee decides to park on the street or in the MDC lot, they can be towed. He cannot do anything about that. The police are there all the time. Ms. Elliott said they are also getting their cars repaired. Mr. Sheehan agreed and stated that the police department cars are repaired there, as well. Ms. Elliott asked about a bulletin board for employees stating that staff is to park only on-site.

Ms. Santucci asked which spaces are for employees. Mr. Sheehan said the spaces along side the fence on the easterly side behind the car wash, numbers 1-10 and 11. The service department employees (6 mechanics) park where the service vehicles park, backed up to the end of the property on the westerly side, numbers 63-82. These spaces are shared. There should always be room for the employees. They have not used the lot as though they have been approved for the 169 spaces. The back is not an issue, it is the front of the property. The detective in charge of licensing came down to the yard to check to be sure they were in compliance. They have taken care of the problem in the front.

Ms. Santucci said she drove by the other day and there were more than 7 cars in front – there were 5 on the left side and 5 on the other side. Mr. Sheehan said he was told by the Planning board not to mark the spaces. Ms. Santucci asked about the cars behind the pizza shop. Ms. Scott said that is a drive-through behind the pizza shop. Mr. Sheehan said there isn't a curb opening for the back of the pizza shop and he is not concerned with the pizza shop right now.

Mr. Vlachos suggested a condition of employment could be that the employees had to park on-site. Mr. Sheehan discussed this with Mr. Penta and that would not be a problem.

No one spoke from the audience. A business mode was declared.

Mr. Vlachos verified that the enlarged plan submitted tonight is not a control document.

Ms. Elliott stated the following conditions for her approval: All employees park on-site; always a full-time parking attendant during hours of operation; no after-hours drop off is allowed. Mr. Sheehan said the cars that are dropped off in the front of 483 Pleasant Street are taken care of by the 24 hour tow office which puts the cars behind the building in the area they need to be. The customer can drop their car off but it is moved immediately to the rear. Ms. Elliott changed her last condition to: The after-hours drop off is handled and managed continuously by the tow office, which is open 24-hours a day.

Ms. Elliott suggested putting a post in the middle of spaces 7 & 8 with a sign on each side stating that it is customer parking.

Ms. Santucci said she has not been in favor of this intensification since the beginning. She is still not in favor.

Mr. Moynihan agrees with Ms. Elliott's conditions.

Mr. Vlachos stated that the proposed conditions will improve the site although there is a significant intensification. He states that these conditions will be permanent.

Ms. Fillis asked Ms. Elliott her thoughts on the trees that were removed in the front of the building as the cars are now show-cased without them. She is disappointed that they were removed. Ms. Elliott asked what kind of trees they were as they appeared to be scrubby. Ms. Fillis stated that having something vertical in the front of the building broke up (the look). The new district has zoned out any parking in front of the buildings – it is no longer permitted. Ms. Elliott stated that the planters are not wide enough to support trees. Ms. Fillis said she did not see a plan for the planters. Mr. Sheehan said he is not an arborist but out of the four trees only one was barely alive with only bags blowing in the wind instead of leaves. He is not making a joke of taking the trees down but he was advised that one maybe could have been saved. They overplanted with shrubs to make up for it. They are keeping the height of the shrubs below 30" to provide for the visibility coming in to and out of the parking lot.

Ms. Fillis said the original 7 spaces were for customers, now the spaces are for cars waiting to go in for body work and there are only 2 spaces for customers. She suggests the 7 original spaces be for customers pulling in and asking questions. She does not support an extension of the cars waiting to be painted in the front.

Tape 1 of 2, Side B

Ms. Fillis continued and stated that the cars in the front are in pretty bad shape and it should not look like a wrecking yard.

Mr. Vlachos agreed with the concerns regarding wrecked cars sitting in the front. Mr. Sheehan said he had this discussion with Ms. Scott a year ago when they had determined that the spaces would be reserved for the paint shop. He understands what they are trying to do and they have set the lot up accordingly. On the plan, cars numbered 1-6, and 9-12 (not 7&8) and 13, 14, 15 are complete cars waiting to go into the paint shop. They would only be cars with primer on it. They will not be damaged cars.

Mr. Vlachos asked what would happen if that were not the case in the future – a car that is smashed sitting in the front – what should the board do. Mr. Shannon said the board would have to address it. They have had 10 months to get the mind-set changed on what needed to be done. He agrees that it should be revoked if not carried through. Mr. Vlachos said that he is speaking for the owner and...Mr. Shannon confirmed that the board can revoke. Mr. Shannon said if someone pulls in with a smashed vehicle, the lot attendant will move it. That is why they added more signage in the front - for people to park on their own in the event the lot attendant is in the back. The customer parking will improve when the front lot is lined. Chair Vlachos again confirmed that spaces 1-15 would have to be clear of damaged cars and if the zoning officer received complaints, the board would revoke their permission to park cars in the front.

Ms. Scott noted that the 'No Parking' sign is not visible on their side of Pleasant Street. Mr. Shannon asked to have that sign replaced and since they are doing Pleasant Street over, they haven't replaced it. He wants the sign to be back so that no one pulls up on the curb. There were two of these signs before.

Chair Vlachos asked if the board should grant this on a temporary basis – 6 months, just the front.

Ms. Fillis stated that they are allowed to have 7 cars in the front and they are in violation of their permit now. Ms. Scott asked if there are 7 cars at the end of the day as today there were 5 cars on one side and two trucks at 13 & 15. 6 p.m. is the end of the day. She said they will see 15 cars there at night. Ms. Fillis said the maximum is 15 cars during the day, not 15 cars there overnight. Chair Vlachos said 15 cars is the maximum anytime. Mr. Bailey added that spaces # 7 & 8 are transient and would not be there overnight. Ms. Scott reiterated that if they are granted 15 spaces, there will be 15 cars day and night. Mr. Bailey again reiterated that 7 & 8 should be left open. Ms. Fillis agreed. Chair agreed 13 max with two 15 minute customer parking only. Ms. Fillis said the Planning Board did not want any parking in front as it is not the vision of the Pleasant Street Corridor; however, they are willing to compromise. The original 18 is too much and 15 is also too much with the stacked configuration. She suggests eliminating 5 & 6. This is being stopped from occurring any more (parking in the front of businesses along Pleasant Street) and this is in contradiction for the Town's long-range plans. Chair Vlachos suggested Ms. Fillis work with Mr. Shannon to determine which 11 spaces should be configured in the front. Ms. Elliott asked if the interpretation of the original agreement is for 7 customer cars only – not cars to be worked on. Ms. Fillis stated that is how she is interpreting the use. Mr. Moynihan argued that the customer is a damaged car and if the customer is stopping in, their car will probably be left there.

Chair Vlachos is concerned regarding the opposition of Planning. Ms. Fillis said they are willing to compromise and they had three different scenarios worked out with deeper landscaping and fewer parking spaces, perhaps 12 or 10 spaces. Ms. Fillis described their alternative plans. She then said that the maximum is 10 that Staff will support. They were working with a plot plan that has since been changed and if 3 cars can fit into the space near the ramp, then she would support that. Mr. Moynihan asked if the Planning Board prioritized the spaces to lose, it would be 5, 6, 9 & 11. Ms. Fillis agreed. Ms. Elliott stated that #12 should go and asked if stacking was more important to be removed than landscaping being added. She suggested that eliminating spaces 4 & 6 would provide for deeper planters and to add trees, 7 & 8 and 10 & 12 eliminate these spaces, widen the planters and add trees and make 9 & 11 the customer parking or 13 & 14.

Mr. Fernandez asked if the new zoning encompassed the new residential complex (Repton Place) on Pleasant Street as they have parking in the front. Ms. Fillis stated that the Pleasant Street Corridor District (PSCD) was just passed and their intent is to focus on the new redevelopment along the area. Mr. Fernandez argued that these businesses will be around for 30 years with parking in the front. Ms. Fillis said they will not perpetuate poor urban design.

Mr. Bailey stated that in order for this case to be in line with the PSCD, they should eliminate the parking overnight. He is in favor of 15 spaces during the day and eliminating 5, 6, 7, 8, 9, 10 at night to open up the front of the business. It is an existing business and it is thriving in Watertown and should be helped out.

Mr. Vlachos asked about the revisions the Staff discussed in their April 14th memo. Ms. Fillis said they were working with an inaccurate plan and they can add one more car to make the maximum 11 spaces. He said the board could eliminate 5, 6, 9, 10. He would be in support of the 11 spaces. Ms. Elliott said they could increase the size of the planters to address the concern of trees and eliminate 11 & 12 and keep 9 & 10 and eliminate 3 & 4 and keep 5 & 6. Without dimension she cannot tell if the planter is wide enough but it could be wide enough for a tree. Ms. Fillis agreed that is a good idea and it would not inhibit visibility plus they are giving them more than a 50% increase in parking. Ms. Elliott suggested the Planning Staff sit down and go over a plan with Mr. Sheehan.

Mr. Sheehan said they had already met with the planning staff and they had come to a compromise with the 18 spaces being reduced to 15 and changing the size of the islands with the bumpout extending 10' instead of just rounding the corner. He said Mr. Penta spent a lot of money on the islands and made sure they'd spoken to the DPW regarding the repaving of Pleasant Street and they were told exactly where the line is for Pleasant Street so they could build the planters. They asked specifically what to do at the last meeting and they were told to keep the cars down in the front lot and the chairman said he wouldn't get upset if there were 10 cars in the front. When the employees left for the night, there were 7 cars in front. There were 5 cars on the service end with one blocking the door and 2 cars in the bodyshop end. They thought they were doing the right thing with the planters and at least 3 people have commented on how nice they are. If they can get the plan together and get the lines marked, it wouldn't be a free-for-all. A new customer came in because she never could pull in before.

Chair Vlachos said by taking out parking spaces, they may be cutting out too much. He again suggests that Mr. Sheehan meet with Planning Staff to arrange the parking properly. Mr. Sheehan suggested removing 9 & 11. Ms. Fillis said it doesn't increase the landscaping. Mr. Bailey asked if the issue is during the day time, even with the landscaping, they should remove cars at night. Ms. Fillis said it is a visual impact during the day.

Mr. Vlachos suggested that should they vote now, there will be one vote not be in favor. Mr. Moynihan said there are several pieces with 10 Bridge Street and 483 Pleasant Street.

Ms. Scott stated that they could have this worked out by the next meeting on January 5, 2009. Mr. Bailey announced that he will not be at that meeting and will not be returning until March. Ms. Scott stated that this would not pass without Mr. Bailey's vote. Chair Vlachos suggested voting on the case tonight and add a condition to work out landscaping with the Planning Staff. Ms. Elliott suggested the number of spaces be included in the condition with consideration of Ms. Scott's ideas. Ms. Fillis said a maximum of 11 spaces with the final configuration worked out with the Staff. Ms. Elliott reiterated that there would be 11 spaces during the daytime and 9 spaces in the evening and overnight.

Mr. Shannon said he was cautioned not to do anything (as far as curb opening) until the Pleasant Street project is done, but he really wanted to put the islands (or planters) in to show the board. He thinks it would be better if the additions to the project coincide with the completion of the Pleasant Street project just in case they have to remove an island during the construction of the street. Mr. Penta has signed contracts with the town for easements on his other properties along Pleasant Street. He did not sign an easement for this property. He will close the area off to prevent parking there but any permanent structure will wait. He believes that the project would be done within two years. Chair Vlachos said this is not expensive and even if they had to dismantle this, it is not costly. We are not going to postpone the work until the corridor is done. Mr. Shannon agreed and asked the board to delay through the winter.

Ms. Fillis said the approval for the additional parking spaces in the front will be limited to 11 and the precise layout and reconfiguration and bolstered landscaping will be delegated to Staff to work out.

Tape 2 of 2, Side A

Ms. Scott added that the two 'no parking' signs should be put back in the front of the street. After-hours tow office; full time attendant always employed...

Chair Vlachos asked Ms. Fillis to explain what the intent is for the removal of the spaces. Ms. Fillis said the proposal by Ms. Elliott is the most appropriate - 3 & 4 and 11 & 12; increase the landscaping there, perhaps would support a tree.

Ms. Elliott agreed this is her motion for the amendment to special finding at 483 Pleasant Street. Mr. Moynihan seconded. Voted 4-1 (Ms. Santucci voting against).

Mr. Vlachos noted that the requested relief is not 18 spaces but amended to a maximum of 11 with conditions.

He then asked for a motion on 10 Bridge Street with the 18 spaces being eliminated to 11 spaces. The legal notice reads that the 10 Bridge Street includes the spaces in the front. The other notice is regarding the reconfiguration of the former B&M railroad land for max 122 vehicle storage increased to 169 in the rear of 483 Pleasant Street. Mr. Moynihan motioned to accept. Ms. Elliott seconded. Voted 4-1 with Ms. Santucci voting against.

Harry J. Vlachos, Chairperson

Melissa M. Sambucci, Clerk

Stuart J. Bailey, Member

Deborah Elliott, Member

Carlos Fernandez, Member

Richard M. Moynihan, Alternate

MINUTES

On Monday evening, **November 24, 2008** at 7:00 p.m. in the Council Chambers of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Melissa M. Sambucci**, *Acting Chairperson*; **Stuart J. Bailey**, *Member*; **Deborah Elliott**, *Member*; **Carlos Fernandez**, *Member*; **Richard M. Moynihan**, *Alternate Member, Acting Clerk*; **Steve Magoon**, *CDPD Director*; **Nancy Scott**, *Zoning Enforcement Officer*; **Danielle Fillis**, *Senior Planner*; **Louise Civetti**, *Clerk*. **Harry J. Vlachos**, *Chairman* arrived at 7:30 p.m.

Tape 2 of 2, Side A, continued

Continued Case:

Robert Dotson, President, Omnipoint Communications, Inc., a Wholly Owned Subsidiary of T-Mobile USA, Inc., 15 Commerce Way, Norton, MA 02766, herein requests the Board of Appeals to grant a Use **Variance** under the Federal Telecommunications Act, §5.13(a) 1 & 2, Wireless Telecommunications, WZO to allow the installation of (3) panel antennas mounted within the existing bell tower at **531 Main Street**, (Union Church), located in the S-6 (Single Family) Residential Zoning District.

Brian Grossman, Esquire, representing Omnipoint Communications, brought with him the RF Engineer now responsible for this area for Omnipoint, Shawn Reid. He apologized for the lack of an RF engineer at the last meeting and asked if the board had a chance to review the supplemental packet submitted. He mentioned speaking with their consultants regarding the State's Historic Preservation process, and what he is showing to the board tonight as the alternative plan is going to be more acceptable to the Historic Preservation than the original design. The columns are not flat. The antenna width is the same as the sum of the two 'peaked' faces of the column with one face being slightly larger than the other. The antenna model change will still provide the coverage they require, but will be able to fit on the one larger flat side of the column instead of straddling the middle at the peak. This will

minimize visual impact. He provided shows both options in the supplemental package as well as the Site Acquisition Consultant in this area and were provided with the areas that were looked at and then gave a zoning map to the consultant to show which districts allowed telecommunications and asked him to go over the entire town and provide a proposed structure that would meet their needs. All areas in yellow show the allowed districts. There isn't anything in the area they are looking and the closest is the I-3 which includes 313 Pleasant St which already has an Omnipoint. He reviewed the other locations stating that each would not serve their needs: Circle Supply, 76 Main Street, Tufts Building, Phillips Congregational Church, 2 Rosary Drive, and other commercially zoned locations that are built up as residential. The Watertown Housing Authority was also considered. Repton Place was considered which is the nearest industrial area, but does not meet their coverage needs. Victory Field would not provide coverage either. The gap is difficult to fill because of the location. They believe the use of this non-residential building with the height of the bell tower without having to create something for height will meet and cover the significant gap.

Mr. Grossman explained the color codes on the maps indicate different levels of service, the darker green is minus 76 dbm – a stronger in-building coverage and they are aiming for -84 dbm shown by the lighter green. The lighter/darker pink color is in-vehicle coverage.

Shawn Reid, Radio Frequency Engineer was sworn in and was asked about his expertise. He has a masters in electrical Engineering and a license is not required for this field. He explained the coverage maps and showed the significant gap. He did not find any of the sites investigated would provide the necessary coverage as most were low-lying sites. Mr. Grossman added that they do not have plans to cover the other 'white' area (showing a gap in coverage) at this time.

Mr. Fernandez asked about the report from the historical commission regarding the stealth chimney but did not see the equipment located in the bell tower being addressed in the report. This could be a historical building according to criteria B & C. They opposed the chimney as it would be false and not true to the character of the building. He wonders what they would say about the equipment in the primary element of the building, the tower. Mr. Grossman said he cannot guess what Mass Historic would do – they have recommended changing the columns in the past and that is now disfavored. A theme recently is even though the chimney will mask the antennas, they do not want to add something to the historic structure to make it appear as part of the historic structure. They request a clear delineation between what is historic and what is not.

Mr. Fernandez asked if they actually went back to the historical commission to present the changes. Mr. Grossman said their consultants are still in the process of doing this. Based on the feed back from their consultants, this is the appropriate

design to go forward with as there is a no-impact design. Mr. Fernandez states that the equipment will undermine the character of the tower and he is not in support of attaching any equipment to that element of the building.

Mr. Vlachos asked if the church sold the building and whomever wanted to convert it to condominiums or raze the building, what would happen to the lease. Mr. Grossman stated that the original lease term is 5 years with two additional renewal periods for a total of 15. Omnipoint would record a memorandum of lease so that anyone purchasing the building would find that in the chain of title and take the property with Omnipoint's lease.

Mary Snow, 10 Pilgrim Road, was sworn in and stated that her son's bedroom views the tower and the church. There are a lot of young children in the area and they have requested Omnipoint seek other areas to place the antenna. They have signed a petition (handed in to the chairman) suggesting to help Omnipoint find other locations. She is a T-Mobile user and she tested her phone around the area and found perfect reception and in her basement. Their service will not be improved and they will have the antenna visible and the microwaves floating in their neighborhood. She asked if they tried the Waltham border where the coverage is needed.

Mr. Vlachos asked Ms. Snow what her reaction would be if the church did not allow the antennas and someone bought the property to put up commercial use or condos or single family homes. Ms. Snow said that they can not discuss certain aspects of their concern but she knows the church has considered alternatives. She would be in favor of losing the green space on the side of the church over the cell antennas. She thinks it is a shame that cell phone companies are taking advantage of vulnerable churches.

John Lawn, 20 Pilgrim Road, spoke on alternatives for the church and at one of their meetings, they found that the lease is not in the best interest of the church or the community. He feels the lease time-frame ties the cell company to that building.

Tape 2 of 2, Side B

Mr. Lawn continued stating that options for the empty 4000 s.f. lot beside the church would be more profitable for the church than a 15 year lease with the cell company. He questions sites in Waltham and other industrial sections in the areas Waverly Oaks area that may provide coverage for this company and wondered if those were

looked in to. There is concern in his neighborhood because it is a residential area and a historic building.

Troy Lefebvre, checked into the nursery school and is not sure of the safety issue. He thinks over time they will find out if the cell antennas are a problem or not. He feels it is a fairly new issue being brought to everyone's attention and people are scrambling around as shown with the petition. He wants to know if the safety issue has been clearly defined; is this a true solution for the church if the nursery school starts to lose individuals or break their lease – will they be able to get out of their lease; and is it essential for these cell service features in this area. He added that St. Pat's is going through their struggles as well. The sanctuary is there for a purpose. He is just considering the business aspects and wonders if the cell antennas will wash away the income of the nursery.

Mr. Vlachos explained that under the Federal Telecommunications Act, we cannot use health issues as a reason for denying a petition.

Chair Vlachos asked the board member of the church Don Shane, about his statement regarding the cell antenna as a source of income for the church and what would happen if this doesn't bring in the income to meet their financial needs, what does he envision happening with the cell antenna? Mr. Shane said the loss of revenue from the cell tower would number the days of the church. If they do get the revenue, they would continue the 90- year old church the way it is as long as possible without making drastic changes or sell the land for other purposes. The antennas are not visible in the belfry. If they sold the church to someone else, it would be subject to the lease with the antennas.

Chair Vlachos reiterated his question on what would happen if they church community moved out and the church building is vacant except for the cell antenna activity. Have they thought about that scenario. Mr. Shane said they have developed a plan that would cover them if that happened. They have only spoken about where the proceeds of selling the property would go. They have other groups that would be affected – AA groups, a ladies group, etc. They would have to go elsewhere. There is another church renting space from them. The lease with the nursery school runs for another 10 years. The day care center has been in talks with them for several years regarding the cell antennas – there have not been any secrets from anyone. Margaret from the nursery school spoke at the last meeting. The antennas is the most neutral way to produce income without changing the neighborhood. There are about 25-26 supporting members and they have a small endowment from a past parsonage. He has attended the church for 59 years and is the 4th generation in his family to attend the church – his son just got married in the church which is the 5th generation and his granddaughter was christened – the 6th generation. The intent is to keep this as a church for as long as humanly possible.

Mr. Vlachos asked the RF engineer why Mary Snow doesn't have any issues with her coverage. Ms. Fillis stated that the issues of coverage are behind the church, north of route 20.

Mary Snow said on Sunday evenings there is a large congregation that rents the church and they could consider leasing to own the church. Reverend Toras is the group and if they buy it, the small group could rent from the large group. There are other neighbors that have childcare in their homes.

Mr. Grossman stated that Omnipoint has a significant gap in this area and if it is not the church, it will be something else in this area. While Omnipoint considers it a side benefit being a not-for-profit church, that is good but Omnipoint would still require coverage in this area and it could be significantly more intrusive. This is the only location they can provide coverage in this area unless they consider something more intrusive and still require a use variance.

Ms. Elliott would like to see the conduit moved from the south to the west elevation – the photo simulations do not show the conduit going up to the equipment room. This should be a condition. Mr. Grossman stated there is nothing running on the outside and there is only one utility run. She added another condition that the color of the antennas should be maintained to match the columns.

Ms. Snatucci motioned to grant the Variance under the Telecommunications Act for 6 panel antennas with conditions discussed. Ms. Elliott seconded. Voted 4-1, Granted. Mr. Fernandez voted against.

Ms. Santucci motioned to adjourn. Ms. Elliott seconded. Voted 5-0, meeting ended at 10:15 p.m.