

The November 28, 2007 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:45 P.M. with the following members present:

Susanne Murphy, Chairman  
Daniel J. Cunningham, Jr., Clerk  
Craig Hiltz, Member  
James M. Stanton, Member

**MINUTES:**

A motion was made by Ms. Murphy to approve the minutes of September 19, 2007, October 3, 2007, October 24, 2007, November 14, 2007 and executive session minutes for: January 4, 2006, may 17, 2006, may 31, 2006, January 24, 2007, and October 3, 2007, as written.

The vote was **4-0-0 in favor.**

**7:30 p.m. – John and Janet Cavanaugh – postponed**

**8:00 p.m. – TRM – Case #21-07**

Ms. Murphy read the public hearing notice from **TRM, Case #21-07**, with respect to property located at 331 West Street, Walpole and shown on the Assessors Map as Lot No. 32-20, LM Zone.

The application is for:

Special Permits under Section 3-B of the Zoning Bylaws to allow wireless communication facility, consisting of installing a new cabinet inside the existing lower compound, and one (1) dish antenna mounted to existing 140 foot monopole.

Ms. Murphy informed the applicant that there are only four members present and the petitioner is entitled to a five-member Board and that this hearing can be postponed until a five-member Board is present. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

Sean Conway, TRM, agreed to go forward with the 4-member board and explained the request. The antenna will be located 95 feet above the ground.

Mr. Hiltz, because he is employed by Verizon, asked if anyone felt there was a conflict of interest. None on the Board nor did the applicant feel there was a conflict.

Mr. Conway explained the project also includes a cable box on the ground on a 4 x 4 foot on a concrete slab. There would be no lighting. About once a month there would be a site inspection, unless there is an emergency. The dish is 3 feet in diameter and weighs just over 100 pounds.

Ms. Murphy asked for comments from the public; there being none, the hearing was closed.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, on behalf of the applicant to grant a Special Permit under Section 3-B of the Zoning Bylaws to allow wireless communication facility, consisting of installing a new cabinet inside the existing lower compound, and one (1) dish antenna mounted to existing 140 foot monopole.

The vote was **4-0-0 in favor**; therefore the application for a **Special Permit** is hereby **granted, subject to the following conditions**:

#### **CONDITIONS:**

1. As stipulated by the applicant at the public hearing there shall be no flood lighting.
2. As stipulated by the applicant at the public hearing the addition will be constructed consistent with the plans submitted at the public hearing.

#### **REASONS FOR DECISION:**

It is the finding of the Board that the applicant has met the requirements under Section 3-I(4) and 3-B(7) of the Zoning Bylaws in that:

- i. Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.*

The construction shall not cause vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood in that minimal maintenance traffic will be added and the site is located in the Limited Manufacturing zone.

- ii. Shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.*

The construction shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood. As represented by the applicant, intermittent maintenance visits is all that is expected.

- iii. Shall not have a greater lot coverage than allowed in the zoning district in which the premises is located (refer to Section 4-B).*

The construction shall not have a greater lot coverage than allowed in the zoning district in which the premises is located in that the lot coverage is not changed from what is already there.

- iv. Shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.*

The construction shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes in that there are no known dangers to the area due to the proposed installation of the wireless connection.

- v. Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.*

The construction shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood. As represented by the applicant, post installation of the product will be in compliance with FCC regulations.

*vi. Shall not adversely affect the character of the immediate neighborhood.*

The construction shall not adversely affect the character of the immediate neighborhood in that there is no change to the existing stanchion and there will be minimal traffic.

*vii. Shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.*

The construction shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.

**The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.**

**8:30 p.m. – Cecil Group**

Ken Buckman of the Cecil Group explained the process they have developed for the Town for the Chapter 43D process, but that also includes a pre-application process for Town Boards. The Board of Selectmen will be the governing party to make sure that the 180-day process is complied with.

**8:45 p.m. – Town Counsel re: Blades Realty/Iorio Arena**

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to go into executive session to discuss strategy relating to pending litigation and adjourn from executive session.

The vote was **4-0-0 in favor**. Ms. Murphy – aye; Mr. Cunningham – aye; Mr. Hiltz – aye; Mr. Stanton – aye

Also in attendance were Attorney Ilana Quirk and Zoning Commissioner, Jack Mee.

The meeting will adjourn in executive session.

Daniel J. Cunningham  
Clerk

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Minutes were approved on January 9, 2008.