

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
DECEMBER 8, 2011**

PRESENT: Jeffrey Cohen, Chair; Brian Gildea, Clerk; Angelo Colasante; Kenneth Gordon; Carol Amick; Stephen Henning

ABSENT: Jeffery Dearing, Vice Chair

Mr. Cohen introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #013-12 – SRP Sign Corporation, for Joule Unlimited, 18 Crosby Drive, seeks a Special Sign Permit per Article 40.4 Section 5(D) of the Sign By-Law to locate wall sign above first floor of building and per Article 40.5 Section 2 to illuminate wall sign.

Ryan Paddy, of SRP Sign Corporation, introduced himself and explained that he was there for a Special Permit to install a sign for Joule Unlimited. He stated that the sign will be halo-lit with reverse channel letters.

Mr. Cohen talked with the applicant about the size and material of the sign. He asked whether there is any signage on the building now. Mr. Paddy said that there is not.

Mr. Cohen asked whether the applicants would have a problem with a condition that the illumination be on a timer so it is not lit during the hours of 11:00 PM and 6:00 AM, per the Sign By-Laws regulation. Mr. Paddy said that such a condition would be fine.

Ms. Amick asked whether the yellow sunburst logo would also be halo-lit. Mr. Paddy said it would.

Mr. Colasante asked what material would be used for the yellow sun burst logo. Mr. Paddy replied that it would be metal, probably aluminum.

Mr. Henning asked whether the sign will only front on one street. Mr. Paddy replied that it will.

Mr. Cohen opened the hearing to the public. With no questions or comments from those in attendance, Mr. Cohen closed the hearing to the public.

DELIBERATIONS:

Mr. Cohen said that the request before the Board is for a Special Permit to allow the wall sign above the first floor of the building and to illuminate the sign. He noted that the

Board has been given all the documentation it needs, including a letter from the sign manufacturer stating that the illumination will not exceed 75 foot lamberts. He said that the two conditions of a Special Sign Permit are that the project is not injurious or detrimental to the neighborhood and that it is in keeping with the intent and purpose of the Sign By-Law, and he feels this request meets those conditions.

Ms. Amick agreed, noting that she drove past this building recently and felt that this proposed sign is consistent with the other signage on Crosby Drive.

Mr. Colasante asked whether the property owner signed a release letter authorizing the applicant to appear before the ZBA with this request. Mr. Cohen said that the owner signed the actual application in the "Owner's Signature" section, which has always sufficed in the past.

Mr. Gildea asked whether the Board wanted to make the requirement that the illumination be on a timer a condition of the motion. For clarification, Mr. Cohen asked the applicants whether they had a problem with a condition stating that the illumination be on a timer. Mr. Paddy said that would not be a problem at all.

Mr. Henning asked whether the Board considered this an internally illuminated sign. Mr. Cohen said that the Board has in the past always treated these kinds of signs as externally illuminated, as the light radiates out behind the letters to form a halo effect. He noted that several other businesses in Bedford, including CVS and Stop & Shop, have been granted this type of illumination for their signs.

Mr. Gordon said he thinks the sign is attractive and fits well with the area and with the building, but he was struggling with the section of the Sign By-Law that reads:

"Individual letter signs made up of self-contained letters that are mounted on the face of a building are permitted as wall signs. The letters shall not exceed four (4) feet in height and shall not extend above the top of any parapet nor above the roof edge of any wall nor be permitted on a marquee."

Mr. Gordon stated that the proposed letters are 49.82 inches, which is slightly higher than four feet, and he would feel more comfortable if they were reduced to 48 inches to comply with the By-Law.

Mr. Colasante said that he feels the Sign By-Law writers were not necessarily referring to logo characters when they wrote about "individual letters" being four feet tall. He said that the letters of the word "Joule" are no taller than four feet so he doesn't feel that the sunburst should present a problem. There was discussion about whether a logo is part of the letter height.

Mr. Gordon said he would feel much more comfortable if the applicants simply reduced the sign to 48 inches, since his reading of the By-Law is that no part of the sign can be taller than four feet.

For clarification, Mr. Cohen asked the applicant whether he would be willing to reduce the size of the sign by two inches. Mr. Paddy responded that he would do whatever the Board asked him to do, but he felt that the sign is perfect the way it is so he would rather not.

Mr. Henning said it would probably make more sense to reduce the entire sign proportionally, and since it is such a small change, the sign would only have to be reduced by approximately 4%. Ms. Amick pointed out to the applicant that such a change would be extremely small and would not even be noticeable from the street.

Mr. Gildea said he agreed with Mr. Gordon that the writers of the Sign By-Law were most likely referring to logos as well as letters when they talked about the letters not being any higher than four feet. He said he would be more comfortable if the applicants agreed to make the sign a bit smaller. Mr. Gildea informed the applicant that the Board would vote on whatever the applicant presents.

There was further discussion about the dimensions of the sign.

Mr. Cohen said that his feeling from the Board is that the vote may not pass if the sign is kept at the current size. Mr. Cohen reiterated that it's not the Board's role to dictate the content of the application. He did note that it was his belief that if the applicant agreed to reduce it to 48 inches, concerns of some of the Board members would be addressed. He said that, with this in mind, the applicant must make a decision on whether to have the Board vote on the sign as proposed or reduce it to 48 inches. Mr. Paddy ultimately agreed to reduce the size; he initialed the change on the exhibit.

Mr. Cohen called for a motion.

MOTION:

Mr. Gildea moved to grant SRP Sign Corporation, for Joule Unlimited, 18 Crosby Drive, a Special Sign Permit per Article 40.4 Section 5(D) of the Sign By-Law to locate wall sign above first floor of building and per Article 40.5 Section 2 to illuminate wall sign, subject to the condition that the illumination be on a timer and as substantially shown on Exhibits A through F, noting that the applicant signed the modification to Exhibit A.

Ms. Amick seconded the motion.

Voting in favor: Cohen, Gildea, Colasante, Gordon, and Amick

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Sign Permit at the Code Enforcement Department.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #012-12 – Sprint Spectrum, LP seeks a Special Permit per Section 4.4.5 of the Zoning By-Law to swap six existing antennas with six new antennas, and to install nine Radio Head Units on the tower at 216 Concord Road.

David Hoogasian, the Sprint representative, introduced himself and said that Sprint currently has six panel antennas at the 84-foot level of this antenna tower at 216 Concord Road, and they are proposing to swap out those antennas with six new ones. He explained that this change will allow a larger capacity, as Radio Frequency (RF) engineers have concluded that the tower underperforms with the current antennas. He said that the only other change Sprint proposes to make to the site is to add nine Radio Head units to the pole; these units are currently housed in an equipment cabinet at the base of the tower, but the RF engineers have concluded that they will be more effective if higher up off the ground.

Mr. Hoogasian handed out a Radio Frequency/Electro Magnetic Energy compliance report performed by an RF engineer stating that this change will be well under the Maximum Permissible Exposure (MPE) limits dictated by the Federal Communications Commission (FCC). There was discussion about the report and the levels of MPE at the site.

Mr. Henning asked whether these new antennas would make the tower any taller. Mr. Hoogasian said they will not; the antennas will be placed at the 84-foot level of the 130-foot tower, mounted in the exact location as the old antennas which are being replaced.

Mr. Cohen asked how much service these new antennas will need, and whether this change will require any more traffic to the site. Mr. Hoogasian replied that the antennas will not require any more servicing than the existing ones, which are checked approximately once a month.

Mr. Cohen opened the hearing to the public.

Pamela Bruno, of 345 South Road, asked how much more radio energy is going to be emitted from these new antennas than from the existing antennas. Mr. Cohen said that the RF report given by the applicant claims that the tower will not emit any more than it does currently, and it is within the safe range of the FCC's guidelines.

Ms. Bruno asked whether it is dangerous to live within a certain distance of the tower, or dangerous to have assemblies of people – such as schools – near the tower. Mr. Cohen explained that the FCC claims it is safe to live near the tower, and while some towns do

not like to allow schools or hospitals near such towers, ultimately wireless companies are allowed under Federal law to install antenna facilities where they can reach the most people.

Mr. Gildea asked whether the Radio Heads give off the same frequency as the panel antennas. Mr. Hoogasian said that is a technical question that he could not answer with any true accuracy, but he believed they do not give off any more radiation. He added that the Radio Head frequencies should be broken down in the RF engineer's report along with the antennas.

Mr. Cohen asked whether the new panel antennas weigh any more than the existing ones. Mr. Hoogasian replied that they weigh no more and perhaps a bit less than the antennas currently on the tower.

With no further comments or questions from those in attendance, Mr. Cohen closed the public hearing.

DELIBERATIONS:

Mr. Cohen said that this is a straightforward application, and the applicant has provided everything the Board requires for granting a Special Permit. He said that he believes this project is not detrimental or injurious to the neighborhood and is in keeping with the intent and purpose of the By-Law, and it therefore meets the requirements of a Special Permit. The other Board members agreed. Mr. Cohen called for a motion.

MOTION:

Mr. Gildea moved to grant Sprint Spectrum, LP a Special Permit per Section 4.4.5 of the Zoning By-Law to swap six existing antennas with six new antennas, and to install nine Radio Head Units on the tower at 216 Concord Road, as shown in the binder provided, which includes Exhibits 1 through 8, and shown in five drawings sheets and the RF-EME Compliance Report.

Ms. Amick seconded the motion. She explained that she just realized she cannot vote in favor of this hearing, as the radio frequency report was prepared by Alcatel Lucent, a company in which she owns stock. She said she will therefore vote against it, with the knowledge that her dissenting vote will not affect the applicant's outcome.

Voting in favor: Cohen, Gildea, Colasante, and Gordon

Voting against: Amick

Abstained: None

The motion carried, 4-1-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision

recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

MOTION:

Mr. Gildea moved to adjourn the meeting.

Mr. Colasante seconded the motion.

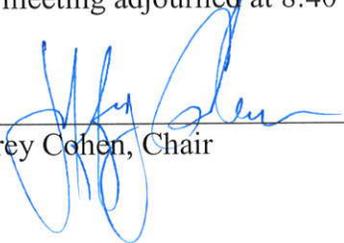
Voting in favor: Cohen, Gildea, Colasante, Gordon, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 8:40 PM.



Jeffrey Cohen, Chair 1/12/12 Date

Respectfully Submitted,

Scott Gould
ZBA Assistant