



# TOWN OF MIDDLETON

## ZONING BOARD OF APPEALS

### MEETING MINUTES

October 5, 2015  
Fuller Meadow School  
7:00 pm

**Members in Attendance:** Craig Harwell, Chairperson, James E. Fox, Anne Cote, Richard Nazzaro, Ann LeBlanc-Snyder

**Absent:** Barbara Piselli, Nicholas Phillip Yebba

**Others Present:** Katrina O'Leary, Town Planner  
Leanna Harris, Recording Secretary

Craig Hartwell called the meeting to order at **7:07 pm.**

#### **I. MINUTES**

**MOTION:** Mr. Hartwell moved to approve the Minutes from the July 23, 2015, August 27, 2015 and September 24, 2015 meetings. Second by Ms. Cote.

**Votes:** 5-0 (Nazzaro, Fox, Cote, Hartwell, Snyder)

**Absent:** Ms. Piselli, Mr. Yebba

Motion carries.

#### **II. PUBLIC HEARINGS**

**A.** Modification of Site Plan – Verizon Wireless, 195 N. Main Street  
Application #1002

Ms. Cote read the application into record. The Petitioner is seeking a site plan modification to install a generator at an existing site. Abutters have been notified.

Tom Hildreth, McClane Middleton Law Firm, stated they represent Verizon Wireless. The Site Plan that was initially approved was for a multi-carrier pole, in which Verizon Wireless is the second wireless carrier. Verizon Wireless is looking to add a back-up propane generator known as a 30K generator as a third source of power for the site similar to a home generator. The generator is programmed to only work during emergencies other than its regular weekly (20-30 minute) maintenance run. The Town of Middleton's noise bylaw limits any new non-residential noise source to be higher than 10 decibels at a property line. The generator is 4ft high and the propane tank (350gal) is under 4ft high. The Health department and the DPW have signed off

with no problems. Verizon Wireless has confirmed with the propane vendor company that there is adequate room to make deliveries.

Jamie Fischman, Dixie Drive stated his property is elevated and his backyard shares a field that abuts the DPW. Sound is a great concern to him because they have an echo effect from lower level emission noises. Mr. Fischman is questioning whether the town has ever lost power long enough to necessitate a generator since the cell tower does have a backup battery. Mr. Fischman is asking the Board to make sure Verizon Wireless makes every effort to muffle the noise.

Ms. Cote read the correspondence (Police, Fire, Health Dept., Board of Selectmen) into record.

Mr. Fox asked if the generator is enclosed and Mr. Hildreth stated it is not. Mr. Fox asked Mr. Fischman how far the generator will be from his property. Mr. Fischman stated he is not the only abutter concerned and that his house is not the closest to the generator. Ms. O'Leary responded that Mr. Fischman's house is about 400 feet and the closest abutter is under 200 ft.

Deborah Ford, Dixie Drive, shares Mr. Fischman's concerns.

Mr. Hildreth stated they are bound by the Town's bylaw and so if the Board conditions the modification stating they have to measure the levels of decibels at each of the abutters property lines they will do that.

Ms. O'Leary stated she works in the DPW building and she can't keep her windows open when the trucks are going in and out and suggested they time the generator maintenance to run during the day, not at night.

**MOTION:** Mr. Hartwell moved to grant the request to modify the existing site plan under Section 9.5.3 to allow for the installation of a generator and fuel tank at the wireless site with the condition that the generator will only have a maintenance run once per week during the hours of 8:00 am – 12:00 pm. Tuesday through Thursday and that any noise generated by the generator will comply with all Town noise regulations, per the site plan labeled Verizon Wireless – Middleton- 4MA – 195 North Main Street, Middleton, MA – Revision 4, dated 9/10/15. Second by Ms. Cote,

Votes: 5-0 in favor (Hartwell, Nazzaro, Fox, Cote, LeBlanc-Snyder)

Absent: Ms. Piselli, Mr. Yebba

Motion carries.

### **III. OTHER BUSINESS**

**MOTION:** Mr. Hartwell moved to schedule the November meeting to November 19, 2015 so as not to interfere with the holiday. Second by Mr. Nazzaro.

Votes: 5-0 (Hartwell, Nazzaro, Fox, Cote, Snyder)

Absent: Ms. Piselli, Mr. Yebba

Motion carries.

Mr. Hartwell moved to adjourn the meeting at **7:38pm**. Second by Mr. Fox. All in favor.

Minutes submitted by Leanna Harris, Recording Secretary, and accepted at the December 17, 2015 meeting of the board.