

**TOWN OF CHARLESTOWN  
ZONING BOARD OF REVIEW  
MINUTES**

The Charlestown Zoning Board of Review held a regular open meeting on Tuesday, June 16, 2009 at 7:00 PM at the Charlestown Town Hall, 4540 South County Trail, Charlestown, Rhode Island.

Members present: Michael Rzewuski  
Raymond Dreczko  
Ronald Crosson  
Casey Hibbard  
William Meyer  
Richard Frank, Alt. #1  
Scott Northup, Alt. #2 **arrived at 7:15pm**

Also present were, Robert Craven, Asst. Solicitor, Caroline Dion, Stenographer and Mary Goff, Clerk.

**Pre-roll**

Those present who will attend the June 29: Mr. Rzewuski, Mr. Crosson, Mr. Dreczko, Ms. Hibbard, Mr. Meyer

Those present who will attend the July 21, 2009: Mr. Rzewuski, Mr. Crosson, Mr. Dreczko, Ms. Hibbard, Mr. Meyer, Mr. Frank\*\*

\*\*please note it was discussed during the meeting recess and Mr. Frank will not be in attendance at the July 21, 2009 regular meeting, but Mr. Northup will be attending

**Minutes**

The Minutes of the May 19, 2009 meeting were approved as written.

Mr. Rzewuski called the first petition.

**Continued petition #1132 Brian P. and Linda M. Hughes**

Requesting a Dimensional Variance under Article VI, Section 218-33 A(2), Table 32.1 to construct an addition to an existing Single Family Dwelling closer to property lines than allowed in an R2A Zone. Premises located at 15 Ridge Road, Charlestown and is further designated as Lot 7 on Assessor's Map 20.

Mr. Rzewuski noted that there is not a quorum of members who were in attendance at the May 19, 2009 meeting present tonight and cannot hear this petition. (following are the members who were present for that meeting; Mr. Rzewuski, Mr. Dreczko, Mr. Meyer, Mr. Frank, Mr. Northup, Mr. Provanca).

Ms. Hogan, Esquire now representing the applicants Brian & Linda Hughes, recognized that there is not a quorum of those who were present and that the Board has no jurisdiction to hear this petition unless Mr. Northup arrives late. She asked if the Board would allow them to wait and see if Mr. Northup arrives.

Mr. Rzewuski agreed to Ms. Hogan's request and noted for the record that she is representing petition #1132, and has decided to wait and see if Mr. Northup arrives at the meeting.

Mr. Meyer suggested adding this petition to the Monday, June 29, 2009 meeting, in an effort to accommodate the applicant. Mr. Rzewuski would prefer not to do that and explained his position to the board members.

Mr. Rzewuski called the second petition.

**Petition #1133 Omnipoint Communications, Inc. for Leroy and Joan M. Grinnell**

Requesting a Use Variance and Dimensional Variance under IV, Section 218-26 to install a Telecommunication Tower in a C2 Zone. Premises located at 3964 South County Trail, Charlestown and is further designated as Lot 43-6 on Assessor's Map 29.

Mr. Rzewuski addressed the applicants attorney Mr. Brighenti and confirmed that he understands that this petition as well as petition #1134 are both located in zones where this is a prohibited use. Mr. Brighenti acknowledged that he understood and explained that is why they are before the board to request the necessary variances for both facilities.

Mr. Rzewuski asked Solicitor Craven if the board can hear a petition for a prohibited use. Mr. Craven suggested that the board should hear some testimony.

Simon Brighenti, attorney for the applicant explained the petition. Currently T-Mobile provides service in Charlestown and would like to improve service in Town. We will show where service is lacking. We have determined that this location will cover a gap in that service. Several factors are looked at when proposing a new facility. In Charlestown facilities are allowed in residential districts but not in commercial districts. This petition is within a commercially zoned property that abuts a residential lot. There is a commercial operation currently.

Federal Telecommunications Act was established to allow telecommunications carriers to work with municipalities to place facilities in areas where there is significant gaps in service. In addition the theory was that there would be competition among carriers, quality of service would go up and the cost of service would go down. It also allows for municipalities to place reasonable restrictions on placement of the facilities, however the municipalities cannot require facilities be placed in areas that would not provide service, cannot exclude service from the area, and cannot prohibit service. The other element would eliminate the ability of municipalities to discriminate against carriers.

We have identified an area lacking service and have completed a use variance application that we feel is allowed under Federal Law.

We have mailed notice to abutters and have done the balloon float as required.

- Use variance (non-conforming use in Commercial Zone)
- Height variance - proposed height 150' unipole with interior antennas
- Cabinets at base of tower
- Surrounded by fence
- Proposed E-911 GPS antenna – local safety and rescue agencies
- Space available for the Town should the need arise

Mr. Scott Heffernan, RF Engineer

- 15 years experience
- military installations
- communication system design

Provided the Board with an overview of the proposed project as well as the existing coverage area. One of T-Mobile's goals is to provide seamless coverage on the Amtrak line from Boston to Washington DC, as well as improving service to existing customers and attracting new customers.

There ensued discussion.

The Board asked that testing evidence be made available for the existing SBA tower on Rt. 112. The applicant will provide additional information at the next meeting.

Mr. Dreczko suggested that it appears the priority for providing coverage is the Amtrak line, versus areas that are being left without coverage on the Rt. 2 & Rt.112. He asked if they are restricted from leasing land from the Federal Government. Mr. Brighenti responded that there is nothing that prevents it. Mr. Dreczko asked if there were any restrictions from leasing from Amtrak? Mr. Brighenti replied that he believed they have leased land from Amtrak in the past. Mr. Heffernan explained some of the issues with leasing land from Amtrak, primarily access to the tower and the ability to have the commercial utilities brought to the track.

There ensued discussion.

Mr. Rzewuski inquired if any residential properties have been approached to see if they would be willing to accept a pole?

Mr. Brighenti, yes we have contacted property owners in residential areas. Mr. Cook is involved with site acquisition and will be able to provide you will additional information.

Mr. Cook explained that a specific area was identified as needing additional coverage and he went about looking for sites that would accept a pole. He identified several sites. The current site 3964 South County Trail was chosen due to the existing commercial use and tree coverage which could provide some cover.

There ensued discussion.

The Board reviewed photos submitted by the applicant.

Mr. Rzewuski verified with the applicant that they have complied with 218-105 Regulation of Utilities B. telecommunication Towers/Poles (2) (d). He also inquired whether there is a certification of structural integrity from a RI Registered Professional Engineer as set forth in the RI Building Code (R.I. General Laws §23-27.3-100.0 et seq.) Mr. Brighenti responded that they do have plans sealed by a RI licensed engineer indicating that the tower will be built to all specifications. We have also indicated that if this tower is approved we will provide an actual structural integrity report/analysis which will also be stamped as required.

The applicant was asked to explain their hardship with regards to the fall zone.  
There ensued discussion.

Mr. Crosson still has concerns regarding the integrity of the tower in the event of a hurricane and the possible liability to the Town if someone were to be hurt by a fallen tower. We need design specification showing the certification of the structural integrity of the proposed tower. We are being asked to grant a variance for the setback requirements.

**At 8:55PM a 15 minute recess was taken.**

**The meeting reconvened at 9:12PM**

Attorney Margaret Hogan representing Petition #1132 Brian P. and Linda M. Hughes requested a continuance to the July 21, 2009 Zoning Board meeting provided there will be a quorum.

A motion was made by Mr. Crosson, seconded by Mr. Dreczko. Vote was unanimous.

Continuance of Petition #1133

Mr. Brighenti, attorney for the applicant has completed their presentation.

Mr. Dreczko brought up the issue of coverage area, and requested that the applicant provide the information regarding the SBA tower located at Rt.112 & Rt. 2 as well as the probability that all options have not been explored. He feels that the primary concern is for coverage on the Amtrak line. Mr. Crosson requested the design standards for the tower be provided prior to an approval or granting of a variance along with the assurance that the specifications that the tower will be built to can withstand a severe hurricane.

Mr. Brighenti replied that he can provide the Board with a statement from an engineer that would outline the specific parameters that the tower is built too.

Mr. Rzewuski opened the meeting for Public Comments:

It was noted that there were no residents present who were in favor of the proposal.

The following residents expressed their opposition to the proposal;

Lawrence Strobel, neighbor to the site, is concerned about safety issue

Donald Pirhonen owner of lot 45 & part owner of lot 48 is concerned with visual impact.

Joseph Carroll asked what consideration was given to abutters property when the fall zone is over the property boundary

John Woodmansee III – noted there are no figures or distances noted on the photos submitted by the applicants

Ruth Platner is not an abutter, but does live in the neighborhood. Explained that the reason towers are allowed in R2A & R3A zones is because typically commercial lots in Charlestown are smaller and residential lots are larger and that would help mediate the visual impact and also allow eliminate the necessity of variances.

Noel Rowe, lot 50, a large residential lot, has never been approached by the applicant to install a cell tower on his property.

Linda Fabre was sworn reviewed the Comprehensive Plan about maintaining the natural character of the town. Suggested that the Board not grant the necessary variance.

Mr. Brightman requested continuance to provide the requested information to the Board.

A motion was made by Mr. Crosson, seconded by Mr. Dreczko to continue petition #1133 to the July 21, 2009. Vote was unanimous.

Mr. Rzewuski called the third petition.

**Petition #1134 Omnipoint Communications, Inc. for John O. and Mary Jo Matson**

Requesting a Use Variance and Dimensional Variance under IV, Section 218-26 to install a Telecommunication Tower in a C1 Zone. Premises located at 805 Alton Carolina Road, Charlestown and is further designated as Lot 26 on Assessor's Map 28.

A motion was made by Mr. Crosson, seconded by Mr. Dreczko to grant a continuance to petition #1134 to the July 21, 2009 meeting. Vote was unanimous.

**Adjournment**

A motion was made to adjourn the meeting.

The meeting adjourned at 10:00 PM.