



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868

ADMINISTRATIVE MINUTES

DATE OF HEARING: JULY 8, 2014

6:30 P.M. Chairman Figueiredo opened the meeting, Pledged the Flag, Moment of Silence

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members: David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cabral

ADMINISTRATIVE

The Board unanimously voted and approved the following Minutes as amended:

- Administrative Minutes of June 25, 2014 Meeting
- Minutes for Special Permit Case: 2014-18 (10 Samoset Drive); case continued to today's hearings
- Minutes for Variance Case: 2014-19 (1306 Reed Road)
- Minutes for Variance Case: 2014-20 (88 Willis Street)

A motion was made by Robert Gardner to accept the amended minutes, seconded by Halim Choubah, and unanimously voted.

6:35 P.M. Adjournment

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 7/22/14

APPROVED

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2014 JUL 23 AM 8 54
DARTMOUTH TOWN CLERK



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868

MINUTES

DATE OF HEARING: JULY 8, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-18
Petitioner/Applicant: David & Donna Cordeiro
Property Owner: David & Donna Cordeiro
Subject Property: 10 Samoset Drive
District: Single Residence A, Map 131, Lot 105

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ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner
Associate Members: David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cappel
ALSO PRESENT: David Cordeiro and Donna Cordeiro

6:35 P.M. Chairman Figueiredo opened the hearing.

Chairman Figueiredo addressed that this case was continued to July 8, 2014 in order to obtain the Zoning Enforcement Officer's determination in writing as to his review of the application to determine whether this petition should be a Variance or Special Permit.

Chairman Figueiredo read into the record a letter from Paul Murphy, Zoning Enforcement Officer, dated July 3, 2014 stating that the property was legally existing when a zoning change came about, making the subject property non compliant with our current zoning bylaw. Therefore, a Special Permit is required under Section 3B.202 of the zoning bylaws.

Chairman Figueiredo invited the Petitioner or representative to present the case.

DAVID CORDEIRO: Expressed his desire to construct a proposed addition and porch to the existing garage and dwelling so that there is additional storage room and living area available for his family and guests.

Chairman Figueiredo invited any board members to ask questions.

No questions by board members.

Chairman Figueiredo invited public comments regarding this project.

No public comments.

When the stated findings are in complete sentences, please add a period at the end of the statement.

The Board made findings:

- Locus property is at 10 Samoset Drive is located on Map 131, Lot 105 and is located in the Single Residence A District.

- Petitioners, David & Donna Cordeiro, have owned the subject property since May 19, 1985.
- The lot is non-conforming pursuant to Section 3B.300.
- The Petitioners are seeking a Special Permit to construct a front porch and an addition on the existing house and garage.
- A Special Permit is needed because the addition will reduce the front setback from 33 feet, which meets the 30 foot requirement for Single Residence A, to 22.2 feet.
- The existing garage makes the house look like an L-shaped ranch style home.
- None of the abutters have voiced any objection to the petition and, in fact, one abutter had spoken in favor at the last meeting.
- The proposed designs for the porch and addition will be an aesthetically pleasing compliment to the house and neighborhood.
- Pursuant to Section 3B.202, the extension is not more detrimental to the neighborhood than the existing dwelling.
- Petitioner meets the statutory requirements for granting a Special Permit.

The Board made proposed conditions:

- Petitioner to secure all of the necessary permits and approvals from all applicable Boards and Agencies.
- Plans of Record will be the plan entitled "Plan for Permit" prepared by Romanelli Associates, Inc. for 10 Samoset Drive, dated May 2, 2014 with attached drawings pages 1 thru 11 drawn by Thomas Noyes, dated June 10, 2014.

Chairman Figueiredo asked Board Members for further comments and/or questions.

No further comments or questions by Board Members.

Chairman Figueiredo invited further public comments regarding this project.

No further public comments.

Robert Gardner made the motion to close the public hearing. Motion was seconded by Halim Choubah.- Motion passed unanimously.

Robert Gardner made the motion to approve the SPECIAL PERMIT in accordance with the Board's stated findings and proposed conditions. Motion was seconded by Halim Choubah Motion passed unanimously.

6:40 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
Zoning Board of Appeals

Date of approval: 7/22/14

APPROVED



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 Office of the Zoning Board of Appeals
 400 Slocum Road, Dartmouth, MA 02747
 (508) 910-1868

MINUTES

DATE OF HEARING: JULY 8, 2014
 CASE: SPECIAL PERMIT
 CASE NO: 2014-21
 Petitioner/Applicant: New Cingular Wireless PCS, LLC ("AT&T")
 Property Owner: Town of Dartmouth, Department of Public Works
 Representative: Edward D. Pare, Jr., Esq./Brown Rudnick LLP
 Representative: Elisabeth Rutkowski, Tower Resource Management
 Subject Property: 1048 Allen Street, Map 148, Lot 83 in Single Residence A District
 Registry of Deeds Book 920, Page 564

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 2014 JUL 23 AM 8 55
 DARTMOUTH TOWN CLERK

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members, David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Edward D. Pare, Jr., Esq. and Other Interested Parties

6:45 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, July 8, 2014 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of New Cingular Wireless PCS, LLC ("AT&T") who is seeking a **SPECIAL PERMIT** in order to allow the installation of a new telecommunications facility, 12 panel antennas at a top height of 103' on existing Water Tank with associated equipment and cables, and the installation of an equipment shelter and generator on a 11'5" x 24' concrete pad at ground level within the existing fenced compound area on the subject property. The subject property is at 1048 Allen Street in the Single Residence A District and identified on Assessor's Map 148 as Lot 83. Property owners are Town of Dartmouth, DPW. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4A3.10-Telecommunications Facility; Section 3B.203-Expansion of Non-Conforming Structures-For Uses Other Than One or Two Family Structures and Section 38-Permission of The Board of Appeals)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, June 25, 2014 and Wednesday, July 2, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Special Permit application with brief and time-stamped with the Town Clerk on 5/16/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter of Authorization from TRM (Tower Resource Management) signed by David G. Cressman, Town Administrator, dated 4/24/14

- Letter from Donald Perry, Planning Director, dated June 26, 2014
- Petition signed by 41+ abutters & residents and a number of letters written by residents in opposition to the proposal
- Affidavit of Marc R. Chretien, P.E./Advanced Engineering Group, P.C., dated 5/8/14
- Structural Assessment/Engineering Evaluation from Advanced Engineering Group, P.C., dated 5/8/14
- Stormwater/Drainage Assessment for proposed AT&T Facility from Advanced Engineering Group, P.C., dated 5/9/14
- Report of Radio Frequency Engineer by Ryan Ramos, RF Engineer, AT&T, dated 5/8/14
- Cellular License documents from New Cingular Wireless PCS, LLC
- C2 Systems Calculated Radio Frequency Emissions Report for AT&T from C Squared Systems, LLC, dated 5/15/14
- AT&T current coverage maps
- Site location map and GIS photos by Advanced Engineering Group, P.C., dated 5/1/13
- Site Plan and Drawings prepared by Advanced Engineering Group, P.C., dated 3/19/14
- Special Permit Decision Case No: 2007-64 (Petitioner: Nextel Communications of the Mid-Atlantic, Inc.), dated 2/12/08
- Special Permit Decision Case No: 2008-31 (Petitioner: Omnipoint Communications, Inc.), dated 9/10/08

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 6/26/14 as well as Letter of Authorization from TRM (Tower Resource Management) and signed by Town Administrator, David G. Cressman, dated 4/24/14.

Chairman Figueiredo invited the Petitioner or representative to present the case.

EDWARD D. PARE, JR., ESQ.: AT&T, also known as New Cingular Wireless PCS, LLC, is proposing to install twelve panel antennas on top of the Water Tank which will be at a top height of 103' AGL, together with related amplifiers, coaxial cables, fiber and other associated antenna equipment including remote radio heads, surge arrestor, cable trays, small GPS antennas and conduits, associated electronic equipment and a generator installed inside an equipment shelter to be located within the existing fenced compound area on the site. AT&T's antennas will exceed the height of the Water Tank by 13' and will be painted to match the color of the Water Tank. This facility complies with the terms of the zoning bylaws. This system operates under license from the FCC and AT&T is mandated and authorized to provide adequate service to the general public. AT&T's goal is to provide adequate and reliable wireless communications services in and around Dartmouth and to all of Massachusetts. AT&T is enhancing its data network to provide high speed data services commonly referred to as "long term evolution" (LTE). LTE is designed to improve AT&T's data services network and LTE will be incorporated into this facility. The facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require signage. It will not be a threat to public health, safety and welfare. In fact, it will aid in public safety by providing and improving wireless communications services to the residents, businesses, commuters and emergency personnel utilizing wireless communications in the immediate vicinity. The facility will have no negative impact on property values in the area or significantly increase in traffic or pedestrians. This facility will have minimal negative effect on the adjoining lots as it will be on a pre-existing structure and will not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

Chairman Figueiredo invited any board members to ask questions.

No questions by board members.

Chairman Figueiredo invited public comments regarding this project.

A number of abutters and interested parties were present at the hearing and many spoke in opposition to the proposal.

CONCERNS RAISED FROM PARTIES IN OPPOSITION OF PROPOSAL:

- Lower real estate property values
- Health risks and effects to children
- Development of new homes will be affected.
- Town will gain minimal financial benefits from proposal.
- Seek other possible sites for installing cell towers.
- Use UMASS Dartmouth site and/or former Gidley School site
- Cell Towers should not be installed in residential areas.
- Effect on agriculture in the area
- Design the cell tower to be esthetically pleasing.
- What are the statistics of drop calls in the area?
- What is the visible impact on the area?
- Dartmouth is the fifth largest town in the Commonwealth of MA and has plenty of land available.
- Will additional antennas be installed?
- Will there be lighting installed in the future?
- Will the facility cause distress and fatigue on the water tank?
- Abutters expressed they have excellent cell phone service and never had any dropped calls.
- Use the Allendale Country Club property as a possible site for the cell tower facility.
- Cell towers should be located away from people and residential homes.

EDWARD D. PARE, JR., ESQ: Answered a few of the concerns of town residents stating that the Allendale Country Club site already has good AT&T coverage and placing a cell tower at that site would be useless. It is more desirable to place the wireless facility on an existing structure than to erect a tower. AT&T has no intentions to place more antennas on top of each other on the water tank. The wireless facility will be structurally placed by all required codes. The FCC.gov website sets standards and AT&T complies fully with the FCC standards. Petitioner is willing to provide a report regarding real estate values on the properties that abut the water tank. Placing this wireless facility on top of an already existing structure has no negative impact on property values. AT&T has located antennas next to and on top of schools, colleges, hospitals, and on top of flag poles without problems. The closest home to this wireless facility is 113 feet away. There will be no lighting on the wireless facility. AT&T is willing to satisfy other options for esthetic reasons.

GEORGE VALENTINE, Real Estate Appraiser: Commented that he researched existing towers in Dartmouth and concluded several studies which show no decrease in property values despite the public's perception.

MICHAEL JOHNSON, AT&T AUTHORIZED AGENT: It is logical to use a pre-existing tall structure such as the water tank to install the wireless communications facility. He researched other possible sites but in this particular location, the water tank is the most viable structure at this time. He looked into the UMASS Dartmouth site, but it is too far out. At the former Gidley School site a 130'-150' cell tower would have to be erected and it would not provide adequate cell coverage at the Allen Street area.

STEVE SULLIVAN, WATER SUPERVISOR FOR TOWN OF DARTMOUTH: Responded to some questions from interested parties in opposition. The Town will be collecting \$2,500 per month to lease space on the water tower. He recalls about 8-10 years ago two Special Permit Decisions were approved by the Board to

allow Nextel Communications and T-Mobile to install wireless communication facilities on the Water Tank, but both companies never moved forward with the installation of said facilities.

A lengthy discussion continued relative to concerns in opposition to this proposal.

CHAIRMAN FIGUEIREDO: Cited to the public the zoning bylaw Section 4B.310-Wireless Communications Facilities to clarify that this is an allowed use in the current District. She asked the Board if they wish to hire a Wireless Consultant at the Petitioner's cost to review this petition and questioned Attorney Pare if the Petitioner is willing to pay for said costs. Chairman Figueiredo mentioned Wireless Consultant, David Maxson.

The Board agreed that a Wireless Consultant should be hired to review this petition and Attorney Pare agreed to Petitioner covering the cost as long as it is reasonable.

Chairman Figueiredo invited any board members to ask further questions.

HALIM CHOUBAH: Suggested that the hiring of a Wireless Consultant would be the best option at this time to help give the Board some type of guidance.

MICHAEL MEDEIROS: Expressed to the public that the Board Members are not Wireless Communication Facility experts and a review from a Wireless Consultant would help determine the possible interference on home devices, etc.

No further public comments.

No further questions by board members.

Chairman Figueiredo and the Board expressed their desire to continue this case to August 5, 2014 so that a Wireless Consultant could be hired and a review be prepared and presented to the Board by the August 5, 2014 hearing date.

Halim Choubah makes the motion to continue this case to August 5, 2014. Motion was seconded by Robert Gardner, and made unanimous by Chairman Figueiredo. Motion passed unanimously.

8:45 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk

Zoning Board of Appeals

Date of approval: 7/22/14

APPROVED



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868

MINUTES

DATE OF HEARING: JULY 8, 2014
CASE: SPECIAL PERMIT and VARIANCE
CASE NO: 2014-22
Petitioner/Applicant: New Cingular Wireless PCS, LLC ("AT&T")
Property Owner: Thistle Trust LLC, Tenant and Concordia Company LLC, Landlord
Representative: Edward D. Pare, Jr., Esq./Brown Rudnick LLP
Representative: Elisabeth Rutkowski, Tower Resource Management
Subject Property: 300 Gulf Road in the Maritime/Marine Industrial District
Registry of Deeds Book 7917, Page 343

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DARTMOUTH TOWN CLERK

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members, David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Edward D. Pare, Jr., Esq. and Other Interested Parties

9:00 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, July 8, 2014 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of New Cingular Wireless PCS, LLC ("AT&T") who is seeking a SPECIAL PERMIT and VARIANCES in order to allow the installation, operation and maintenance of a new telecommunications facility described as a 150 foot above-ground level monopole and 40' x 40' fenced in compound area for AT&T and future co-locators. The subject property is at 300 Gulf Road in the Maritime/Marine Industrial District and identified on Assessor's Map 35, Block 6 as Lot 3 and property owners are Thistle Trust LLC. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 13.210-Wireless Communications Sites; Sections 13.300, 13.301, 13.302, 13.307 and 13.310-Development Standards; Section 26.200-Setbacks; Section 36.200-Variances; and Section 36.300-Use Variances)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, June 25, 2014 and Wednesday, July 2, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Special Permit & Variance applications with brief and time-stamped with the Town Clerk on 5/16/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Donald Perry, Planning Director, dated June 26, 2014

- Affidavit of Marc R. Chretien, P.E./Advanced Engineering Group, P.C., dated 4/14/14
- Structural Assessment from Advanced Engineering Group, P.C., dated 5/8/14
- Drainage Analysis and Calculations for proposed AT&T Facility from Advanced Engineering Group, P.C., dated 5/9/14
- Report of Radio Frequency Engineer by Ryan Ramos, RF Engineer, AT&T, dated 5/8/14
- Cellular License documents from New Cingular Wireless PCS, LLC
- C2 Systems Calculated Radio Frequency Emissions Report for AT&T from C Squared Systems, LLC, dated 5/15/14
- AT&T current coverage maps
- Statement of Site Acquisition Specialist, dated 5/14/14
- Option and Lease Agreement, dated 2/26/14
- Consulting Report Impact of Wireless Telecommunications Facilities on Neighboring Property Values from Valentine Appraisal Associates, dated 6/26/14
- Site location map and GIS photos by Advanced Engineering Group, P.C., dated 5/1/13
- Site Plan and Drawings prepared by Advanced Engineering Group, P.C., dated 3/20/14
- Twelve+ letters from abutters and residents in opposition of proposal

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 6/26/14 as well as Letters submitted from abutters and town residents that were in opposition of proposal.

Chairman Figueiredo invited the Petitioner or representative to present the case.

EDWARD D. PARE, JR., ESQ.: AT&T, also known as New Cingular Wireless PCS, LLC, is proposing to construct a 150' (above ground level) monopole style tower which will include 12 panel antennas together with related amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment, emergency backup power generator and proposed equipment shelter located within a compound enclosed by a chain link fence, as well as an access drive. The subject property is located within the Marine/Maritime Industrial District. The cell tower will exceed the height allowed within the Maritime District and, therefore, the Petitioner, AT&T, is requesting a Special Permit for height purposes and Variances for use and dimensional setbacks. AT&T will lease a portion of the subject property from the owner, Concordia Company LLC. The proposed wireless communications facility will aid in reaching AT&T's goal of providing adequate and reliable wireless services in and around the Town of Dartmouth and to all of Massachusetts. The wireless communication facility will not adversely impact adjacent properties and neighborhoods as the facility is screened from view. The installation of the facility will not be a threat to public health, safety and welfare but, in fact, will improve wireless communication services in the immediate vicinity and along the nearby roads. These services will further the public interest of health and safety as it will enable wireless 911 services to be available to the community and communication services for the public. The wireless communications facility will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require additional lighting or signage. The facility will have no negative impact on property values and no significant increase in traffic or hindrance to pedestrians. This facility will not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

Chairman Figueiredo invited any board members to ask questions.

No questions by board members.

Chairman Figueiredo invited public comments regarding this project.

A number of abutters and interested parties were present at the hearing and many spoke in opposition to the proposal.

CONCERNS RAISED FROM PARTIES IN OPPOSITION OF PROPOSAL:

- Tower will be adjacent to a pre-school playground
- Health risks and effects to children
- Close proximity to the Dartmouth Early Learning Pre-school Center
- Pre-school may lose business with less children enrolling.
- Seek other possible sites for installing cell towers.
- Could Police Station on Russells Mills Road be used?
- Safety concerns (collapses, lightning strikes, noise)
- Exposure to non-thermal radiation
- Technical issues-will it affect t.v.s, computers, interfere with home devices?
- Bad idea for surrounding neighborhoods
- Would an access road be erected to the tower and where will it be located?
- How many times will this access road be utilized?
- Lower local property values of homes and businesses in the area
- Tower would blight the historic character of the scenic route (Gulf Road)
- What are the statistics of drop calls in the area?
- Neighboring homes have excellent cell coverage.
- What is the visible impact on the area?
- The site is historical and preserved and should not be used for a cell tower.
- Gulf Road is a historic agricultural landscape and setting.
- Gulf Road was designated as a scenic and historic road on the National Historic Register.
- Tower would be an "eye-sore", desecration of a picturesque road, and a conspicuous blemish on a scenic route.
- Homeowners and businesses located on "scenic roads" have restrictions regarding trees, landscaping and paving and are legally required to abide by these restrictions.
- The Historic and Archaeological Assets of the Commonwealth indicate that the site is archaeologically sensitive for ancient and historic period archaeological resources.
- What happened to the Dartmouth Open Space and Recreation Plan?
- Appears to be failure of zoning issue relative to placement of cell towers in the Town
- Consider the abundance of resistance for this proposal

EDWARE D. PARE, JR., ESQ: Answered a few of the concerns of town residents stating that the tower would be placed 75' from the preschool property line. The generator will be on a timer and set for 30 minutes each week. The proposed site is an active Marine and commercial use and the YMCA site is a restricted site and cannot be used for the placement of this tower. An access road will be erected to get to the tower and it will be utilized once or twice monthly. There will be no lighting or noise from the wireless communications facility. The police station located on Russells Mills Road is 3-4 miles away from the proposed site and not feasible to obtain wireless coverage for the area AT&T is intending. The wireless facility will be structurally placed by all required codes. The FCC.gov website sets standards and AT&T complies fully with the FCC standards. AT&T has located antennas next to and on top of schools, colleges, hospitals, and on top of flag poles without problems. AT&T is willing to satisfy other options for aesthetic reasons.

GARY & LAURIE ADRIANCE: Are the owners of Adriance Furniture. The proposed tower would be erected directly behind their building. When they opened their business in 1990, they encountered stringent regulations

that were imposed on their building project to compliment the beauty of the Gulf Road area. The Dartmouth Select Board, invoking architectural review to protect the area's beauty, required the Adriansces to use natural wood clapboard & cedar shingles, as well as attractive architectural-grade roof shingles to keep the skyline aesthetically pleasing. They were required to provide plantings to obstruct the view of the small parking lot in order to create an attractive commercial property. The idea of this tower being allowed in this area smacks of hypocrisy when their business was held to a higher standard. They strongly urge Mr. MacGregor and the Petitioners to withdraw their proposal to use this site.

DIANE GILBERT/President of the Dartmouth Preservation Trust & Historical Commission: The Dartmouth Preservation Trust holds trust at the YMCA land. She has spent over two years of her own time to volunteer to put a preservation restriction on the YMCA area. The YMCA building is adjacent to the proposed erection of the cell tower. The YMCA building is a historical significant building, and it was required to keep the footprint under the Massachusetts Historical Commission. There are also numerous children who attend the YMCA throughout the year and the tower is a major concern.

STUART MACGREGOR/CONCORDIA COMPANY LLC: Mr. MacGregor is the owner of Concordia Company which has been owned by his family for a number of decades under the Thistle Trust LLC. He expressed his sympathy and respect towards his neighbors and felt divided. He was approached by AT&T to use his site for the erection of this tower. He spent a great deal of time thinking of the proposal and thought that his site would be the best to erect the cell tower for wireless coverage to the Padnaram Village as coverage there is not good for the public, residents, or boaters. He felt that if he did not accept this proposal cell tower would be erected at another site, and since his site has over 13 acres of land he agreed to have it placed on his property.

A lengthy discussion continued relative to concerns in opposition to this proposal.

EDWARD D. PARE, JR., ESQ.: Announced that AT&T will perform a "crane-balloon test" at the site on August 2, 2014 between the hours of 9:00 a.m. and 3:00 p.m. for public viewing. A rain date was stated to be August 3, 2014 during the same hours.

CHAIRMAN FIGUEIREDO: Stated the Board will have Town Counsel review the case and a Wireless Consultant will be hired to review this petition and prepare a report. Attorney Pare agreed to Petitioner covering the cost as long as it is reasonable. The Board agreed to continue this case to September 30, 2014 to allow the Wireless Consultant time to review this petition and to have Town Counsel's review. The crane-balloon testing was announced that it will take place on August 2, 2014 from 9:00 a.m. to 3:00 p.m. for public viewing with a rain date of August 3, 2014.

Chairman Figueiredo invited any board members to ask further questions.

No further questions by board members.

Chairman Figueiredo invited further comments from the public.

No further comments.

Halim Choubah makes the motion to continue this case to September 30, 2014 at 6:30 p.m. Motion was seconded by Robert Gardner. Motion passed unanimously.

10:30 P.M. Hearing adjourned

Tina Cabral, Principal Clerk

For Zoning Board of Appeals Date of approval: 7/22/14

APPROVED



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868

MINUTES

<p>DATE OF HEARING: JULY 8, 2014 CASE: VARIANCE CASE NO: 2014-23 Petitioner/Applicant: New Cingular Wireless PCS, LLC ("AT&T") Property Owner: Paul Mitchell Representative: Edward Pare, Jr., Esq./Brown Rudnick LLP Representative: Elisabeth Rutkowski/Authorized Agent/TRM Subject Property: Off Horseneck Road identified on Town Assessor's Map 13 as Lots 10 & 11 District: Single Residence B Registry of Deeds Book: 1908, Pages 904-906</p>	<p>RECEIVED 2014 JUL 23 PM 8:55 DARTMOUTH TOWN CLERK</p>
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ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner
Associate Members: David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Edward Pare, Jr., Esq. and Other Interested Parties

6:40 P.M. Chairman Figueiredo opened the hearing

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ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, June 25, 2014 and Wednesday, July 2, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

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- GIS Map photos dated 4/15/14
- Drainage Analysis Study, dated 5/9/14
- Statement of Site Acquisition Specialist, dated 5/14/14

- Structural Assessment Study, dated 5/8/14
- Report of Radio Frequency Engineer, dated 5/8/14
- Option and Lease Agreement by and between Paul Mitchell, Landlord and Kevin L. Mason, Tenant, dated 2/27/14
- Cellular License Documents for New Cingular Wireless PCS, LLC
- Maps for Current AT&T Coverage
- Affidavit of Advanced Engineering Group, P.C., dated 4/15/14
- Site Plans & Drawings prepared by Advanced Engineering Group, P.C., dated 4/23/14
- Letter from Attorney Edward D. Pare, Jr., dated 6/25/14

Chairman Figueiredo read into the record a letter from Attorney Edward D. Pare, Jr., dated 6/25/14 requesting that this Special Permit application be withdrawn without prejudice.

Chairman Figueiredo invited the Petitioner or representative to present the case.

EDWARD D. PARE, JR., ESQ.: Attorney Pare expressed his desire to withdraw the Variance application in this matter without prejudice.

Chairman Figueiredo invited any board members to ask questions.

No questions by board members.

Chairman Figueiredo invited public comments regarding this project.

No public comments.

Robert Gardner made the motion to close the public hearing. Motion was seconded by Halim Choubah. Motion passed unanimously.

Halim Choubah made the motion to approve the withdrawal of the Variance without prejudice. Motion was seconded by Robert Gardner. Motion passed unanimously.

6:45 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
Zoning Board of Appeals

Date of approval: 7/22/14

APPROVED



TOWN OF DARTMOUTH
Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
(508) 910-1868

MINUTES

DATE OF HEARING: JULY 8, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-23
Petitioner/Applicant: New Cingular Wireless PCS, LLC ("AT&T")
Property Owner: Paul Mitchell
Representative: Edward Pare, Jr., Esq./Brown Rudnick LLP
Representative: Elisabeth Rutkowski/Authorized Agent/TRM
Subject Property: Off Horseneck Road identified on Town Assessor's Map 13 as Lots 10 & 11
District: Single Residence B
Registry of Deeds Book: 1908, Pages 904-906

RECEIVED
2014 JUL 23 AM 8 54
DARTMOUTH TOWN CLERK

ATTENDANCE

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner
Associate Members: David Dore, Michael Medeiros, and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Edward Pare, Jr., Esq. and Other Interested Parties

6:40 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, July 8, 2014 at 6:30 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of New Cingular Wireless PCS, LLC ("AT&T") who is seeking a SPECIAL PERMIT and VARIANCES in order to allow the installation, operation and maintenance of a new telecommunications facility described as a 150 foot above-ground level monopole and 50' x 50' fenced in compound area for AT&T and future co-locators. The subject property is off Horseneck Rd in the Single Residence B District and identified on Assessor's Map 13 as Lots 10 & 11. Property Owner is Paul Mitchell. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 4B.310-Telecommunications Facility; Section 38-Permission of The Board of Appeals; Section 4B.405-Height; Section 36.200-Variances)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, June 25, 2014 and Wednesday, July 2, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Variance application with brief and time-stamped with the Town Clerk on 5/16/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Cards
- GIS Map photos dated 4/15/14
- Drainage Analysis Study, dated 5/9/14
- Statement of Site Acquisition Specialist, dated 5/14/14

- Structural Assessment Study, dated 5/8/14
- Report of Radio Frequency Engineer, dated 5/8/14
- Option and Lease Agreement by and between Paul Mitchell, Landlord and Kevin L. Mason, Tenant, dated 2/27/14
- Cellular License Documents for New Cingular Wireless PCS, LLC
- Maps for Current AT&T Coverage
- Affidavit of Advanced Engineering Group, P.C., dated 4/15/14
- Site Plans & Drawings prepared by Advanced Engineering Group, P.C., dated 4/23/14
- Letter from Attorney Edward D. Pare, Jr., dated 6/25/14

Chairman Figueiredo read into the record a letter from Attorney Edward D. Pare, Jr., dated 6/25/14 requesting that this Special Permit application be withdrawn without prejudice.

Chairman Figueiredo invited the Petitioner or representative to present the case.

EDWARD D. PARE, JR., ESQ.: Attorney Pare expressed his desire to withdraw the Special Permit application in this matter without prejudice.

Chairman Figueiredo invited any board members to ask questions.

No questions by board members.

Chairman Figueiredo invited public comments regarding this project.

No public comments.

Robert Gardner made the motion to close the public hearing. Motion was seconded by Halim Choubah. Motion passed unanimously.

Halim Choubah makes the motion to approve the withdrawal of the Special Permit without prejudice. Motion was seconded by Robert Gardner. Motion passed unanimously.

6:45 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
Zoning Board of Appeals

Date of approval: 7/22/14

APPROVED