

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF:** New Cingular Wireless, LLC  
Petitioner

Property Owner: CMR Investments / C&C Realty Trust  
52 Riley Rd.  
Celebration, FL

**OPINION OF THE BOARD**

**REQUEST FOR SPECIAL PERMIT  
113R Main St.**

Hearing: July 20, 2011  
Decision: July 20, 2011

**MEMBERS PRESENT:** Joseph F. Musmanno, Chairman  
David Cole  
Anthony Biocchi  
Carol Gould

**THE WRITTEN OPINION WAS DELIVERED ON AUGUST 3, 2011**

RECEIVED  
AUG 04 2011  
TOWN CLERK  
*20 day appeal  
dated August 4, 2011*

## **OPINION OF THE BOARD**

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law C40A, as amended, in which the petitioner, New Cingular Wireless, LLC, requests a Special Permit (V.S) to add/modify three (3) existing antennas and related tower and ground equipment to an existing telecommunications facility at 113R Main St., Medway, MA 02053.

### **Hearing**

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on July 6 and 13, 2011. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing was held, and the record closed on July 20, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

### **Hearing Summary**

The Applicant, New Cingular Wireless, LLC, represented by Mr. Gerry Squires of J. Lee Consulting, came before the Board to request a Special Permit (V.S) to add/modify existing antennas and related tower equipment to the wireless communications facility at 113R Main St., located in the CII zoning district. Testimony included: The Applicant's existing wireless communications facility consists of six (6) panel antennas and mounted to the existing 140' tower at a height of 95'. The antennas are connected to the equipment cabinets by coaxial cable running within the tower. The Applicant's base station equipment is located in a shelter at the base of the tower inside a fenced compound. The Applicant's facility also includes one (1) Global Positioning System (GPS) antenna. The Applicant proposes to install three (3) additional panel antennas, six (6) remote radio heads, one (1) surge arrester, one (1) 3 inch conduit within the tower and one (1) additional GPS antenna for the purpose of supplying Long Term Evolution Services (LTE). After installation, the facility will remain unmanned and will only require biweekly visits by maintenance personnel who will inspect the facility to ensure it remains in good working order. The facility will continue to comply with all applicable local, state and federal safety rules and regulations. There would be no increase in noise levels associated with the addition of the equipment.

### **Findings:**

By vote of 4-0:

1. The Petitioner demonstrated substantive compliance with all requirements of Section V.S.2 of the Medway Zoning By-Law.
2. The grant of a Special Permit would not cause substantial detriment to the public good.
3. The grant of the requested Special Permit to the applicant would not be inconsistent with any of the criteria set forth in Section III.J of the Medway Zoning By-law.

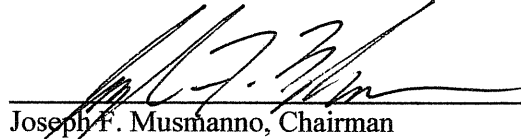
**Relief Granted**

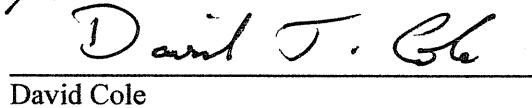
By vote of 4-0:

A Special Permit is granted to New Cingular Wireless, LLC to modify the existing wireless communications facility at 113R Main St. in accordance with the application and supporting materials submitted by J. Lee Consulting on June 3, 2011

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

***IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.***

  
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Joseph F. Musmanno, Chairman

  
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David Cole

  
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Anthony Biocchi

  
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Carol Gould