

Zoning Board of Appeals
Town of Medway
155 Village St.
Medway, MA 02053

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Sprint Spectrum LP
 Petitioner**

OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
113R MAIN STREET**

**Hearing: December 7, 2011
Decision: December 7, 2011**

**MEMBERS PRESENT: Joseph Musmanno, Chairman
 David Cole, Clerk
 Anthony Biocchi
 Arlene Doherty**

THE WRITTEN OPINION WAS DELIVERED ON December 7, 2011

RECEIVED

NOV 05 2011

TOWN CLERK

*30 day appeal
Jan 25, 2012*

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 Chapter 40A, as amended, in which the petitioner, Sprint Spectrum, LP, requests a Special Permit (V.S.4) to remove and replace existing antennas and the replacement and/or addition of ancillary equipment within the existing telecommunications facility at 113R Main Street, 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 November 23 and 30, 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 Meeting to conclude deliberations in this matter was posted as required.

The Public Hearing was held, and the record closed, December 7, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

The Applicant, C. Davis Associates on behalf of Sprint Spectrum, L.P., represented by Carmen and Leo DeMarco came before the board to request a Special Permit V.S.4 for the proposed modifications to this site are minor modifications to an existing facility. It will not cause any additional noise or any other nuisance; will not alter traffic or the roadways, storm water run-off, or the environment. Furthermore, the proposed modifications will have a minimal aesthetic impact, if any.

Findings:

By a vote of 4-0

1. The Petitioner demonstrated substantive compliance with all requirements of Section V.S.2
2. The site is the preferred location as outlined in Section V.S.3a of the Medway Zoning By-Law
3. The grant of a Special Permit would not cause substantial detriment to the public good.
4. 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.


4. The Grant of the request⁴ed 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.

Grant to Sprint Spectrum L.P. a Special Permit to replace the existing antennas and ancillary equipment within the existing telecommunications facility at 113R Main Street, substantially in accordance with the plans presented. 4-0


***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.***



Joseph F. Musmanno, Chairman



David Cole



Anthony Biocchi



Carol Gould



Arlene Doherty