

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Cellco Partnership d/b/a Verizon Wireless
Petitioner

PROPERTY OWNER: Rasma Galins
40 Hill St.
Medway, MA 02053

OPINION OF THE BOARD

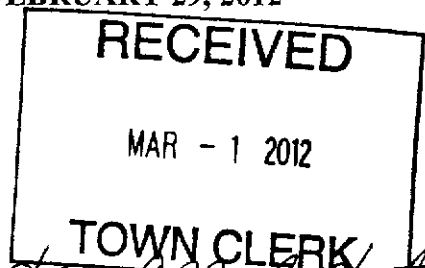
REQUEST FOR SPECIAL PERMIT
40 Hill Street

Hearing: February 15, 2012

Decision: February 15, 2012

MEMBERS PRESENT: David Cole, Acting Chairman
Anthony Biocchi
Carol Gould
Arlene Doherty

THE WRITTEN OPINION WAS DELIVERED ON FEBRUARY 29, 2012



*30 day appeal date
March 21, 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 C40A, as amended, in which the petitioner, Cellco Partnership d/b/a Verizon Wireless, requests a Special Permit (V.S) to attach antennas to the existing wireless communications tower, along with related ground equipment, at 40 Hill 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 February 1 and 8, 2012. 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 February 15, 2012. At the hearing, one person spoke in favor of; two people spoke in opposition to the application.

Hearing Summary

The Applicant, Cellco Partnership d/b/a Verizon Wireless, represented by Mr. Thomas Hildreth, Mr. Anthony Pearsall, and Mr. Jason Flanagan, came before the Board to request a Special Permit pursuant to Section V.S. of the By-Law to co-locate antennas to the existing wireless communications tower and related ground equipment at 40 Hill St., located in the ARI zoning district. Mr. Hildreth noted that the Board granted a Special Permit to the Petitioner for the identical proposal on January 7, 2009. The decision was recorded in the Norfolk County Registry of Deeds, Book 6189, Page 597. However, the construction did not begin within the two year permit requirement, therefore, the permit lapsed. Mr. Hildreth stated that the approved permit could not be acted upon within the two year period due to scheduling conflicts, but now construction was scheduled to commence April, 2012. Mr. Hildreth further stated that nothing had changed in this new application and that the plans dated December 29, 2008 were the same as those accompanying the lapsed permit. In review: The existing monopole at 40 Hill St. is housed inside an electrical transmission tower and is within an NStar easement. The property is owned by Ms. Rasma Galins who has entered into an agreement with the parties involved with the proposed addition of equipment. Twelve panel antennas would be installed below the existing antennas on the monopole, together with a 12' x 30' ground equipment shelter approximately 11.5' tall within a fenced area. The fenced shelter is to be unmanned, but checked on a monthly basis and is shown on the plan provided to be opposite of the existing ground equipment shelter. A radio coverage map was submitted to show that although Verizon Wireless has antennas at the Rt. 109 communications facility, there is a gap in coverage along the Medway-Holliston town line. The shelter would contain a backup power generator and backup batteries sufficient to run the equipment for approximately eight hours in the event of a main power failure. The generator would run for about 30 minutes per week to keep the battery charged. The equipment would normally run on standard household primary power. There

would be no equipment located outside of the shelter, which would have two air conditioning units similar to that of domestic window air conditioning units. A noise analysis was presented which showed a solid wall within the fence surrounding the shelter and cowlings on the air conditioning units. The generator would be diesel fueled with a capacity of 210 gallons and refilled about every six months during regular monthly maintenance visits. Information regarding control of the site is included with the application.

Two area abutters raised concerns about the aesthetics of the area. However, their complaints related to the existing wireless facility at the site owned by Sprint-Nextel, and were deemed by the board not to be germane to the application by Verizon Wireless. The abutters were advised to register their concerns about the existing facility with the Zoning Enforcement Officer.

Findings

By vote of 4-0:

1. The Petitioner demonstrated substantial compliance with all requirements of Section V.S.2 of the Medway Zoning By-Law for the proposed modification to an existing wireless communications facility.
2. The grant of a suitably conditioned Special Permit would not cause substantial detriment to the public good.
3. The grant of a 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 (V.S) is granted to Cellco Partnership d/b/a Verizon Wireless for the addition of antenna arrays to the existing wireless communications tower at 40 Hill St., along with related ground equipment, in accordance with the plans submitted, dated December 29, 2008 , subject to the following conditions and/or restrictions:

1. The proposed diesel generator is installed per notes on plan dated 12/29/08, page A-1. A monitoring plan shall be instituted in which an alarm is tied into Verizon's network operations center, which is manned on a 24/7 basis, to monitor for spills and take all necessary precautions to ensure that any spill is completely contained within the generator room. Should a spill occur at the site, the Petitioner shall notify the Fire Chief, Conservation Commission and Department of Environmental Protection (DEP).
2. The Petitioner shall, upon completion of all installations, supply the Zoning Enforcement Officer with measurements of actual sound emitted from all Verizon Wireless equipment that demonstrates compliance with the Medway Zoning By-Law.

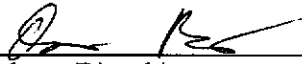
3. The Petitioner shall maintain the landscaping for one year after installation; any dead plant material must be removed and replaced.

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.



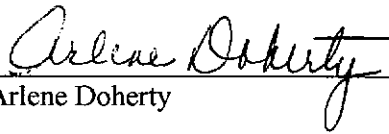
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