

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: **Centerline Communications/Derek Patton
Petitioner**

Property Owner: **Rasma Galins
40 Hill Street
Medway, MA 02053**

Easement: **NStar Electric
One NStar Way
Westwood, MA 02090**

OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
40 Hill STREET**

**Hearing: August 21, 2013
Decision: August 21, 2013**

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



*20 day appeal date
Oct 23 2013*

THE WRITTEN OPINION WAS DELIVERED ON OCTOBER 2, 2013

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, Centerline Communications/Derek Patton, requests a Special Permit (V.S) to remove the existing (9) antennas and replace with (3) new antennas on utility poles, along with related ground equipment, at the existing wireless communications facility located at 40 Hill 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 August 7 and 14, 2013. 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 August 21, 2013. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

The Applicant, Centerline Communications, represented by Derek Patton came before the board to request a Special Permit (V.S) to modify its client's, Sprint Spectrum, LP, existing wireless communications facility at 40 Hill Street and located within the ARI zoning district. NStar Electric has an easement through the property. The property contains an existing facility mounted on a utility pole with the Applicants antennas installed approximately 148' above ground level on the existing structure. The Applicant seeks to modify its personal communications system on the property and the existing facility. The existing facility currently consists of nine (9) panel antennas attached to the structure which would be removed and replaced by three (3) new antennas. The new antennas will be connected by new cables routed through the interior of the existing powermount to existing ancillary equipment housed within ground cabinets, which would also be replaced. There will be no significant change to physical appearance, or will not cause any additional noise or any other nuisance, will not alter traffic on the roadways, storm water run-off, or the environment. Furthermore, the proposed modifications will have a minimal aesthetic impact, if any.

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 site is the preferred location as outlined in Section V.S.3.b 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.

Granted

By Vote of 4-0

A Special Permit is granted to Centerline Communications to modify the existing wireless communications facility (Sprint Spectrum, LP) at 40 Hill St. in accordance with the application and supporting materials presented.

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.**



David Cole, Chairman



Anthony Biocchi



Carol Gould

Arlene Doherty