

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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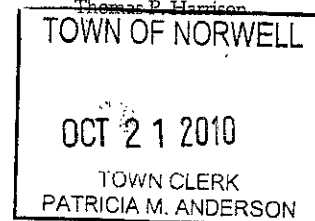
Members

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David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION of The Norwell Board of Appeals File No. 10-17 P



A **PUBLIC HEARING** was held on October 6, 2010, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, at the Norwell Town offices, 345 Main Street, Norwell, MA, to hear the application of:

Metro PCS Massachusetts, LLC. ("MetroPCS")
285 Billerica Road
Chelmsford, MA 01824

For a **Special Permit** under Sections 1400, 1420, 4600, 4650 (Co-Location), 4654 and 4660 to modify the existing flag pole-style cell tower by mounting three flush mount antennas at a centerline height of 100 feet on the existing tower. The aforementioned antennas shall be camouflaged by a "shroud". The applicant further proposes to construct equipment cabinets on a 10' x 16' steel platform near the base of the structure. The facility is located at **50 Pine Street** (Fire Station) and shown on Assessor's Map 26D as Block 70, Lot 56A in Residential District A.

The application was received and date stamped by the office of the Town Clerk on September 20, 2010. Public Notices of the Hearing were posted at Town Hall and duly advertised in *The Norwell Mariner* on September 21, 2010, and September 28, 2010.

Attorney Paul DeCoste presented the application and was accompanied by Darren Goldsmith from MetroPCS. No one present spoke in favor or in opposition to the application.

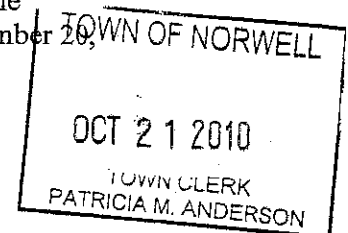
FILE DOCUMENTATION:

The board received the following information into its files:

1. Completed application for Special Permit for modification to an existing wireless telecommunications tower signed by the owner of the property as well as Attorney Paul DeCoste on July 7, 2010 and August 2, 2010 respectively. The aforementioned was date stamped by the Town Clerk on September 20, 2010.
2. Document entitled "Reasons for Application" submitted by the applicant. The aforementioned was date stamped by the Town Clerk on September 20, 2010.
3. A Letter of Authorization from Marlin Castillo of Tower Asset Management dated June 18, 2010. The aforementioned correspondence indicates that MetroPCS

Massachusetts LLC was in negotiations with T-Mobile Northeast LLC to co-locate its communications equipment on the T-Mobile tower located at 50 Pine Street Norwell, MA. The aforementioned was date stamped by the Town Clerk on September 20, 2010

4. A Memo from James Boudreau, the Town Administrator, dated July 29, 2010 indicating that the Board of Selectman approved the revised plan of the attachment of 3 flush mounted stealth antenna's to the cell tower located at 50 Pine Street together with the installation of a 10' x 16' fenced compound near the tower base for equipment cabinets subject, to ZBA approval. The aforementioned was dated stamped by the Town Clerk on September 20, 2010.
5. Radio Station Authorization. This document is reflective of a grant date of November 29, 2006 and an expiration date of November 29, 2021. The aforementioned was date stamped by the Town Clerk on September 20, 2010.
6. Statement of Darryn Goldsmith, Radio Frequency Engineer. Mr. Goldsmith's correspondence outlines the reason for the need of T-Mobile to be located on the tower located at 50 Pine Street. The aforementioned was date stamped by the Town Clerk on September 20, 2010.
7. Two overlay maps prepared by MetroPCS which outline the proposed sight coverage both with and without the antenna's being sought. The aforementioned were date stamped by the Town Clerk on September 20, 2010.
8. Two photographs of the existing cellular tower seen from the Fire Station on Pine Street, a depiction of the same view the same town with the "shroud" as proposed, an existing and proposed view from the Route 3 overpass and a view from Pine Street of both the existing tower as well as the proposed tower with the "shroud". The aforementioned were date stamped by the Town Clerk on September 20, 2010.
9. Zoning District Map as of July, 2007 prepared by Coler & Colantonio. The aforementioned was date stamped by the Town Clerk on September 20, 2010.
10. Four-page plan prepared by Turning Mill Consultants, Inc. entitled BOS 0719A T-Mobile - Pine St. - Norwell. Said plan depicts a location map, an existing/proposed site plan, a compound plan, an elevation plan and equipment details. The aforementioned plan set was date stamped by the Town Clerk on September 20, 2010.
11. Advertising notice for Public Hearing and Abutter's List
12. Copy of the Assessor's office card



FINDINGS:

1. The Board reviewed the existing conditions as well as the previous decisions issued by the Zoning Board of Appeals with regard to the cellular tower at 50 Pine Street, Norwell, Massachusetts. The proposed addition of three antennas encapsulated by a "shroud" surrounding the tower and obstructing all the antennas from view will not increase the height of the existing tower (121 feet). The tower is permitted to be a height of 125 feet as a result of a prior permit issue by the Zoning Board of Appeals.
2. The Board further finds that the construction of equipment cabinets on a steel platform measuring 10' x 16' near the base of the structure would not be detrimental to the neighborhood or zoning district. The Board further finds that the proposed use will not be injurious or otherwise hazardous to the community as the proposed change will represent a minor modification to the cellular tower. Moreover, the equipment cabinets located adjacent to the tower represent a minor modification to the existing structure, which is not injurious or detrimental to the community.

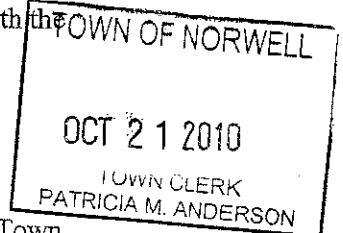
3. As per Section 4654, Norwell Zoning Board of Appeals, the three-antenna system applied for by MetroPCS Massachusetts LLC shall be used by only one provider. Any additional users or further tower modification shall require prior approval by the Norwell Zoning Board of Appeals.

SPECIAL CONDITIONS:

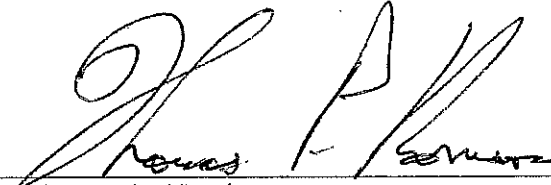
1. The three antennas surrounded by the "shroud" shall be located at a centerline height of 100 feet on the existing tower. The "shroud" shall be constructed in a manner consistent with plans and mock photographs provided to the Board and contained in the Board file. The "shroud" shall match the color of the existing tower and shall encapsulate all three antennas, which will be mounted on the existing cellular tower. No additional work is permitted to be performed on the tower with the exception of the aforementioned.
2. The equipment cabinets shall be located adjacent to the base of the existing cellular tower on a steel platform measuring 10' x 16'. The platform and the cabinets are to be fenced in with a fence, which matches the existing fence at the site in both style and color.
3. The applicant shall meet all bond requirements for the proposed project and any such bond shall be approved as to form by Town Counsel.
4. All conditions of the previous decisions of the Board of Appeals, as filed with the Norwell Town Clerk on July 28, 1998 and June 18, 2008, shall remain in full force and effect, except as specifically modified by this decision.
5. The owner, partners, grantees, lessees, transferees, successors or assigns of this telecommunications tower shall comply with the applicable Sections of Article IV of the Norwell Zoning Bylaw, as existing or may be amended from time to time, including, but not limited to:
 - a. Monitoring and maintenance
 - b. Abandonment or discontinuation of use
 - c. The owner, partners, grantees, lessees, transferees, successors or assigns of this telecommunications tower shall comply with all bonding and insurance requirements of the Town, as existing or may be amended from time to time and shall file documentation of such compliance on an annual basis with the office of the Board of Selectman.

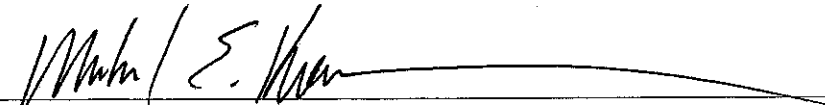
CONDITIONS APPLYING TO ALL DECISIONS:

1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**



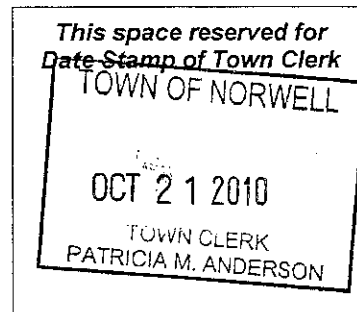
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Special Permit granted by the Zoning Board of Appeals within two (2) years from the date of the decision or it shall lapse.


Thomas P. Harrison


Michael E. Kiernan


David Lee Turner

Date Filed with Office of the Town Clerk



NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.