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OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061  
(781) 659-8018 • Fax (781) 659-1892

### Members

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
David Lee Turner, Clerk

### Associate Members

Thomas P. Harrison  
Ralph J. Rivkind

### **FINDINGS AND DECISION OF THE NORWELL ZONING BOARD OF APPEALS**

***File No. 14-11***

A PUBLIC HEARING was held on August 6, 2014, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 9 and 11, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**CCTMO LLC, subsidiary of Crown Castle International  
3200 Corporate Drive  
Canonsburg, PA 15317-8564**

*and*

**T-Mobile Northeast LLC, Co-Applicant  
15 Commerce Way, Suite B  
Norton, MA 02766**

For **modification** of the **Site Plan** and **Special Permit** for a Personal Wireless Facility under Norwell Zoning Bylaw Sections 1500, 4600, 4621(a), 4650, and 4660(a) to allow T-Mobile to modernize the equipment on the existing wireless facility by replacement of the nine-panel antennae array located 120-feet above ground level with six new antennae at the same height and locations. Further, to install new fiber cable routed along the existing coax cables to the replacement antennae with ground work proposed within the existing equipment room. The property is located at **18 South Street** in the Wireless Overlay District and is shown on Assessor's Map 19B Block 53 Lot 35.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on July 22, 2014, and *The Norwell Mariner* on July 31, 2014, and posted at the Norwell Town Hall in accordance with the Open Meeting Law.

The applicant's representative was in attendance at the hearing to present the application. No member of the public was in attendance to offer support or opposition to this proposal.

#### FILE INVENTORY:

1. Copy of the legal notice
2. Memorandum of 7/11/14 from the Town Administrator indicating the support of the Board of Selectmen for this application, as the facility is sited on school property owned by the Town of Norwell
3. Application, completed and signed by Elizabeth R. Thompson, Esquire of Duval & Klasnick LLC, located in Lynnfield, MA, date-stamped by the Board of Appeals and the Town Clerk on 7/3/14.
4. Letter of June 30, 2014, from the applicant's attorney presenting the application that consists of:
  - a. Description of Applicant and Co-Applicant: CCTMO LLC and T-Mobile Northeast LLC
  - b. Project Summary
  - c. Site and Permitting History/Proof of Standing
  - d. Compliance with Telecommunications Act of 1996
5. Exhibit 1: Plan set consisting of nine (9) drawings describing the project, including Title Sheet, Site Plan, Equipment Layout Plans, Elevation & Detail, Antenna Layout Plans & Details, Details, Details, Notes, Notes, prepared by Tectonic Engineering & Surveying Consultants of Newburgh, NY, signed and sealed by Donald A. Benvie, Registered Civil Engineer in the Commonwealth of Massachusetts
6. Exhibit 2: Structural Analysis Report, prepared by the GPD Group of Akron, OH, signed and sealed by David B. Granger, P.E., registered in the Commonwealth of Massachusetts
7. Exhibit 3: Memorandum/Notice of Lease from the Town of Norwell, recorded at the Plymouth County Registry of Deeds on 16 July, 1998, at Bk 16407 Pg 262.
8. Exhibit 4: Copies of (1) Decision of the Zoning Board of Appeals for Omnipoint Communications, Inc., filed with the Norwell Town Clerk on May 12, 1998, as recorded at the Plymouth County Registry of Deeds on 3 June 1998 at Bk 16263 Pg 282 and (2) Order of Conditions, (3) Decision of the Zoning Board of Appeals for Cellular One, filed with the Norwell Town Clerk on July 18, 2000
9. Exhibit 5: Assignment and Assumption Agreement by and between Omnipoint Communications Inc and Omnipoint Facilities Network 1, LLC
10. Exhibit 6: Copies of merger State of Delaware certifications confirming the merger of Omnipoint Facilities Network 1, LLC with and into T-Mobile Northeast LLC under the name of T-Mobile Northeast LLC
11. Exhibit 7: Correspondence dated 4/15/13, 5/22/13, and 12/20/13 from Crown Castle to the Town of Norwell relating to the site lease agreement
12. Exhibit 8: Limited Power of Attorney, dated 11/30/12, granting authority to

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- CCTMO LLC to act on behalf of various wireless entities, relating to ground leases, collocation agreements, and management agreements
13. Exhibit 9: FCC Wireless Telecommunications Bureau authorizations to T-Mobile License LLC, effective through 6/23/15 and 6/27/17 respectively
  14. Memorandum of 8/6/14 from the Conservation Agent indicating that the Conservation Commission has no comment or concerns relating to this application
  15. RF Emissions Compliance Report, prepared by Sitesafe, Inc., dated June 19, 2014, signed and sealed by Klaus Bender, Registered Professional Engineer (Electrical), submitted at the public hearing that fulfills application requirements

The Application, notice, and all file information listed above were introduced into evidence, and are hereby made exhibits in this case and incorporated into and made a part of this decision.

**FINDINGS:**

1. The wireless facility is located at 18 South Street on property owned by the Town of Norwell with which the Applicant has a lease agreement and received approval to make this application.
2. The proposed modifications will provide upgrading and improvement of equipment and structures currently installed and operating at 18 South Street.
3. The Applicant represents it has provided all required information and meets the requirements of the Norwell Zoning Bylaw.
4. The Planning Board has offered no comment or objection to this application.
5. The Conservation Commission has offered no comment or objection to this application.

**DECISION OF THE BOARD**

Based upon the representations of the Applicant and its findings above, upon a motion made and duly seconded, the Board **VOTED** unanimously to grant the requested modifications of the **Site Plan Review** and **Special Permit** under Sections at property located at **18 South Street**, subject to the following:

**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 than 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.

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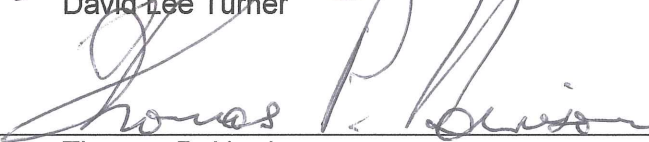
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Plymouth County Registrar of Deeds or Recorder of the Land Court.
4. **LAPSE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



Lois S. Barbour



David Lee Turner



Thomas P. Harrison

This space is for Date  
Stamp of Town Clerk

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Date Filed with Office of the Town Clerk

**NOTICE OF APPELLATE RIGHTS:** Any decision of the Board of Appeals can 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.