



BOARD OF APPEALS  
TOWN OF MONTAGUE  
ONE AVENUE A  
TURNERS FALLS, MA 01376

**RECORD OF DECISION & VOTE**

**Co-Applicants:**

Tower Ventures, Inc.  
733 Chapin St. Suite 200F  
Ludlow, MA 01056

Date November 4, 2002  
Case No. 02-23  
Date of Decision September 18, 2002

AT&T Wireless PCS LLC.  
c/o Anderson & Kreiler LLP  
43 Thorndike St.  
Cambridge, MA 02141

Owner: Lawrence & Joyce Bourbeau  
Address 1616 Twenty First St. South Lot 227  
St. Petersburg, FL 33712

**Premises Affected**

Assessors' Map 51 Lot 49	Special Permit Application (40A)	(X)
9-12 Woodland Drive (off Federal St.)	Environmental Impact & Site Plan Review	(X)
Montague, MA 01351		

**RECORD of VOTE and CONDITIONS**

Plans and Submittals:

1. Application dated July 29, 2002, Sections 1-8 by Tower Ventures, Inc. by and through its subsidiary/affiliate Tower Ventures II, LLC (collectively "Tower Ventures") and AT&T Wireless PCS LLC by and through its member AT&T Wireless Services, Inc. (collectively "AT&T Wireless") for a Special Permit, Environmental Impact and Site Plan Review under Sections 5.2(b), 5.2.13(b), 7.5 and 8 of the Zoning By-Law.
2. Site Plan titled "Tower Ventures Montague, Massachusetts, MA-01144," sheets C1-C6, dated May 28, 2002.

After a public hearing held on: Wednesday, September 18, 2002

**THE BOARD OF APPEALS FINDS:**

Tower Ventures seeks to construct and operate a 160-foot monopole and Telecommunication Facility for up to 6 carrier antenna locations. The Facility area consists of a 75' x 75' leased area in the south east corner of the approximately 6 acres property. To the east (and rear) the facility is abutted by the Central Vermont Railroad.

The proposed facility is a "public utility" allowed by Special Permit in the Rural Business (RB) zoning district and complies with the requirements of Section 7.5 of the Bylaw, regulating the placement and operation of Telecommunication Facilities except Conditions 7.5.3 (f) and (j) setbacks and coloring scheme. {see conditions for specific waivers}

The proposed facility, tower and collocation of up to six carrier antenna locations will serve a personal wireless communication coverage gap and need.

The proposed facility will utilize natural screening and camouflaging techniques to minimize visual affects of the monopole and compound. The facility will be unmanned and generally passive in nature with periodic maintenance visits. Operations will not generate objectionable noise, traffic, smoke, dust, odors or lighting. It is Tower Ventures, Inc.'s policy to invite local police, fire or other municipal departments to attach their antennas on the tower, free of charge.

Proposed access is from Federal Street over Woodland Drive, a common dirt and gravel easement over abutting properties. The Board cannot verify, nor does it assume or guarantee that the existing Woodland Drive easement is available to the applicant for access to the proposed site.

The Board of Appeals concludes that the proposed use will not be of substantial harm to the neighborhood, or to the natural resources of the Town and, with conditions, will not create a nuisance, hazard or congestion. The proposed facility is anticipated to be an asset to the infrastructure of the Town

### **THE BOARD OF APPEALS VOTED:**

To grant the Special Permit, with conditions, pursuant to Sections 5.2.13(b), 7.5 and 8.5 to allow construction of a Telecommunication Facility for up to six carriers, associated equipment and shelters and flush mounted antennas accommodated on a 160 ft. monopole.

### **CONDITIONS:**

1. The Board approves modification of Condition 7.5.3(f) to reduce the south and east property line setbacks to 80 feet and modification of Condition 7.5.3(j) to use a single color paint scheme
2. Six antenna groupings are permitted and shall consist of flush-mounted panel antennas, or similar style, located at individual, separated tower locations.
3. The monopole tower shall be engineered so as to absolutely minimize the potential of tower collapse in the direction of the railroad right of way 80 feet to the east. [waiver to section 7.5.3(f)]
4. The tower and all mounted apparatus shall be coated with non-reflective material and painted brown to blend into the heavily treed background and surroundings. [modification to section 7.5.3(j), part 2]
5. The landowner, leaseholder of the Facility land and the Facility owner, if different, shall provide their current name and address, company name and address and phone number and name of the contact person to the Board of Appeals.
6. All Carriers or other Facility sub-lessees, or other facility users shall provide their current company name and address, phone number and name of contact person to the Board of Appeals.
7. All carriers shall apply for separate building (and electrical) permits for each antenna, the ground equipment and/or shelters installed or replaced.
8. The Facility owner shall require all carriers to apply for and receive the required building (and electrical) permits for each antenna, supporting ground equipment and shelters or equipment replacement prior to mounting or installing the equipment.

9. The Facility owner (lessee) shall provide a bond or other form of financial guarantee sufficient to cover cost of removal of the monopole, facility and any unused equipment. The performance guarantee shall be submitted to the Town of Montague with the application for a building permit for the proposed facility. The Board of Appeals shall administer any use of the performance guarantee deemed necessary. The amount shall be set and determined based on three bids submitted by the tower facility owner and may be adjusted by the same method at the request of either party in 5 year increments.
10. If Woodland Drive is used for tower construction the drive shall be restored to its pre-construction condition. If the Woodland Drive easement is used for routine access the users shall share maintenance in proportion to use.
11. Tower Ventures' offer to provide space on the monopole, free of charge but subject to reasonable tenant conditions, to Montague police and fire departments for public safety purposes, is accepted as a condition.

Modification and Approval: Final design, engineering or proposed changes shall be reviewed and approved if consistent with the application, findings, Special Permit and Site Plan. Significant design changes will be referred to the Board, which may allow the changes without further hearings if within the project scope and consistent with the project concept. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

**The vote of the Zoning Board of Appeals was as follows:**

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|--|------------------------------------|
| 1. <u>Ernest Brown</u> <b>YES</b> Chairman | 4. <u>Dennis Booska</u> <b>YES</b> |
| 2. <u>John Burek</u> <b>YES</b>            | 5. <u>Mark Bander</u> <b>YES</b>   |
| 3. <u>John Reynolds</u> <b>YES</b>         |                                    |

**IMPORTANT:** Any appeal from the decision of the Town of Montague Zoning Board of Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed in the office of the Town Clerk within twenty (20) days after the date of filing of the decision with the Town Clerk.

Board of Appeals

By

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Ernest L. Brown, Chairman

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Douglas S. McIntosh, Clerk