



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

RECORD OF DECISION & VOTE

Applicants:

AT&T Wireless PCS LLC
C/o Anderson & Kreiger LLP
43 Thorndike Street
Cambridge, MA 02141-1764

Date March 19, 2003
Case No. 03-01
Date of Decision February 5, 2003

Owner:

Roman Catholic Bishop of Springfield
25 Sixth Street
Turners Falls, MA 01376

Premises Affected

Assessors' Map 3 Lot 24
47 J Street
Turners Falls, MA 01376

Special Permit Application (40A) (X)

RECORD of VOTE and CONDITIONS

Plans and Submittals:

1. Plan titled "AT&T Wireless Site Number: 05-074 St. Anne Church" by Bay State Design, dated December 11, 2002, and
2. Addenda I to above plan, dated February 5, 2003.

After a public hearing held on: Wednesday, February 5, 2003

The Board of Appeals Finds:

The proposed project is an unmanned, wireless telecommunications facility to consist of a set of antennas at 103'∇ above ground level, the supporting equipment cabinet(s), telephone and electric service connections, air handling and condensing units. The installation will be inside the otherwise unoccupied existing steeple of the church as shown on the referenced plans. There will be no exterior changes to the steeple or the church as a result of the installation.

The PCS facility installation proposes to enhance wireless telephone service through a fully digital system, resulting in more area coverage, improved reception, more private communication capacity and increased ability to handle data thus better providing telecommunication service for the residents and businesses of Montague and the area.

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 will not create a nuisance, hazard or congestion. The proposed facility is anticipated to enhance the infrastructure of the Town.

The Board of Appeals Voted:

To approve the AT&T Wireless Telecommunication Facility Site Number: 05-074 Special Permit pursuant to Sections 5.2.10(b), 7.5 and 8.5 of the Montague Zoning Bylaws for installation inside the steeple of the existing church building at 47 J Street.

The Board stipulated:

1. The facility owner (lessee) and all subsequent facility owners (lessees') shall provide their current name or company name and address and phone number and name and address of their contact person to the Board of Appeals.
2. The Facility owner (lessee) shall provide a bond or other form of financial guarantee sufficient to cover cost of removal of the telecommunications facility and associated equipment. The performance guarantee shall be submitted to the Town of Montague with the application for a building permit for the proposed facility in the amount of \$5,000.00.
3. A structural analysis of the installation and support area in the steeple and church building will be provided to the Inspector of Buildings by a qualified engineer at the time of application for a building permit.
4. Additional antennas or other carrier locations are not within the scope of this approval.

Modification and Approval: Final design, engineering or proposed changes shall be reviewed and approved if consistent with the application and findings of the Board and Special Permit Approval. 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:

1. Ernie Brown **YES** Chairman

4. Walter Sojka **YES**

2. John Burek **YES**

5. Mark Bander **YES**

3. John Reynolds **YES**

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

Ernest L. Brown, Chairman

Douglas S. McIntosh, Clerk