



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

**NOTICE OF DECISION & VOTE**

**Applicant, Lessee:**

Bell Atlantic Mobile of Mass. Corp. Ltd.  
d/b/a/ Verizon Wireless

By: Carl Gehring of Gehring & Associates, LLC

**Land Owner:**

Edward Demers & Carol Novak-Demers  
145 Van Nuys Rd., Colrain, MA 01340

**Case No.** 07-10

**Date** July 13, 2007

**Premises Affected:**

136 Turnpike Rd

Turners Falls, MA

Assessors' Map 21 Lots 2 & 3

F Co. Registry of Deeds: Bk 3465, Page 257

Special Permit (X)

Variance Application (40A) ( )

Site Plan Review not required (X)

waver -required (X)

**RECORD of VOTE and CONDITIONS**

Plans and Submittals:

Application dated May 12, 2007, Sections 1-12 by Carl Gehring of Gehring & Associates, LLC for Bell Atlantic Mobile of Mass. Corp. Ltd. d/b/a/ Verizon Wireless for a Special Permit, and Site Plan Approval under Sections 5.2.6(b), 7.5 and 8.5, of the Montague Zoning By-Laws.

After a public hearing held on:

Wednesday, June 20, 2006

**THE BOARD OF APPEALS FINDS:**

Bell Atlantic Mobile of Massachusetts Corporation Ltd. d/b/a/ Verizon Wireless seeks to construct and operate a 147-foot monopole and Telecommunication Facility for 4 co-located carrier antennas and ground equipment. The Facility area consists of a 50' x 100' leased area towards the southern end of a five-acre parcel. A cemetery abuts to the east and high-tension electric lines and a factory abuts to the south and west.

The proposed facility is a "public utility" allowed by Special Permit in the Industrial (ID) zoning district and complies with the requirements of Section 7.5 of the Bylaw, regulating the placement and operation of Telecommunication Facilities. {included is waiver of section 7.5.3(f), setbacks}

The proposed facility will utilize the existing tree hedges and natural screening (required in Planning Board SP # 02-99) for the compound and provide for camouflaging techniques to

minimize visual affects of the “monopine” pole. 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.

Access is from Turnpike Road over a non-specific route to the leased land of the facility. The easement is available to the facility lessees for access to the site.

Verizon Wireless has offered to local police, fire or other municipal departments to attach their antennas on the tower without a lease charge.

The Board of Appeals concludes that the proposed use, as presented, 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 a Special Permit, with conditions, for construction and use of a Telecommunication Facility for four co-located carriers, associated equipment, shelters and antennas accommodated on a monopole.

### **CONDITIONS:**

1. The total allowed height of the “monopine” tower including extension for the provision of screening and antenna “on center “ installation is 147 feet.
2. The Board approves modification of condition 7.5.3(f) to reduce the east and west property line setbacks for the tower to 103’ and 172’ respectively provided that the monopole tower shall be engineered so as to minimize the potential of total tower failure in the direction of the setback reductions.
3. The monopole shall be designed and constructed such that a 20-foot extension may be installed without removal or replacement of the tower. Any proposed height extension above the permitted height shall require a Special Permit application and hearing before the Board of Appeals.
4. Ground equipment shall be confined to a secure of 45’ x 95’ area unless the Board of Appeals authorizes a larger ground support area.
5. Any additional antennas or carriers located at the facility shall require building (and electrical) permits for the antenna and ground equipment. New or replacement equipment shall also require building and/or electrical permits.
6. The Facility owner shall require all carriers apply for and receive separate building (and electrical) permits for each antenna and supporting ground equipment and/or shelter prior to mounting or installing the equipment.
7. The landowner, leaseholder of the facility land and the facility owner, if different, and all carriers or other facility sub-lessees, or other facility users shall provide their current name and address, company name and address and name and phone number of the contact person to the Board of Appeals.
8. 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 initial performance guarantee of \$20,000.00 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 may be adjusted at the request of either party in 5-year increments and shall be set and determined based on three bids submitted by the tower facility owner.

9. Verizon Wireless' offer to provide space on the monopole, free of charge but subject to reasonable tenant conditions, to Montague 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:**

- |                                     |            |                               |               |
|-------------------------------------|------------|-------------------------------|---------------|
| 1. <u>Ernest L. Brown, Chairman</u> | <b>YES</b> | 4. <u>John Reynolds</u>       | <b>YES</b>    |
| 2. <u>John Burek, Vice-Chairman</u> | <b>YES</b> | 5. <u>Robert Sojka</u>        | <b>YES</b>    |
| 3. <u>Dennis Booska</u>             | <b>YES</b> | 6. <u>Ericka Almeida, alt</u> | <b>Absent</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 Ernest L. Brown, Chairman

Karen M. Casey, Clerk

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**NOTICE OF DECISION & VOTE**

**Case No.** 07-10

Received for filing by Town Clerk: \_\_\_\_\_  
Time Date

Twenty day appeal period ends: \_\_\_\_\_  
Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS  
FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

\_\_\_\_\_  
Montague Town Clerk

\_\_\_\_\_  
Date

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*Notice to be recorded by Landowner*