



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

RECORD OF DECISION & VOTE

Applicant:

Omnipoint Communications, Inc.
(a subsidiary of) T-Mobil USA, Inc.
15 Commerce Way, Suite B
Norton, MA 02706

Case No. 08-08
Date December 22, 2008
Date of Decision November 19 2008

c/o Mark Cook

62 Gulliver Cr.
Norwich, CT 06360

Owner:

John P. Anctil
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)
Environmental Impact & Site Plan (X)

RECORD of VOTE and CONDITIONS

Plans and Submittals:

1. Plan titled Site Number "4SH-0563-A - TURNERS FALLS", sheets T-1, C-1 and Z-1, Z-2, Z-3, by Eamon T. Kernan, civil eng. Reg. #40123, dated 10/8/08
2. Project Narrative "T-Mobil Application for Special Permit, Proposed Wireless Communication Facility, 47 J Street, MA", dated October 8, 2008
3. "Affidavit of Radio Frequency Expert" prepared by Eric Phelan, RF Engineer, dated 10/8/08

After a public hearing held on: Wednesday, November 19, 2008

The Board of Appeals Finds:

The proposed project is an unmanned, wireless telecommunications facility to consisting of a set of antennas above the existing antenna array, the supporting equipment cabinet(s), telephone and electric service connections, air handling and condensing units. The installation will be inside the existing steeple of the church as shown on the referenced plans (excepting AC condensing unit and GPS antenna). There will be no significant exterior changes to the steeple or the church as a result of the installation.

The facility installation proposes to enhance wireless telephone service within the antenna range and distribute call volumes resulting in more area coverage, improved reception, more communication capacity and increased ability to handle data thus better providing telecommunication service for the residents and businesses of the Turners Falls/Montague 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 Omnipoint Communications, Inc./ T-Mobil USA, Inc.

Telecommunication Facility Site Number: 4SH-0563-A 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 company name and address, phone number and name, address and phone number of their contact person to the Board of Appeals.
2. The Facility and property owner shall provide, in lieu of a bond or other financial guarantee, sufficient assurances in its lease to cover cost of removal of the telecommunications facility. The terms of the performance guarantee shall be submitted to the Town of Montague for review.
3. The structural improvements in the steeple and church will be constructed under the plans and supervision of a qualified engineer at the time of application for a building permit to the Inspector of Buildings.
4. The outside ground mounted air conditioning unit shall be visually screened and provided with a sound attenuating surround or fence to effectively minimize noise above ambient.
5. Modifications to the roofing material of the steeple shall be installed so as to preserve the historic look of the existing steeple.
6. Additional antennas or other carrier locations are not within the scope of this approval.

Modification and Approval: Proposed changes in design, locations of equipment or engineering assumptions shall be reviewed and approved if consistent with the application and findings of the Board and Special Permit and Site Plan 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. <u>Ernie Brown</u> YES Chairman | 4. <u>Robert Sojka</u> YES |
| 2. <u>John Burek</u> YES | 5. <u>Dennis Booska</u> NO |
| 3. <u>John Reynolds</u> 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

Karen Casey-Chretien, Clerk

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