

TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: May 18, 2018

PETITION NO: #4737

HEARING DATE: April 26, 2018

PETITIONER: Cellco Partnership d/b/a Verizon Wireless

PROPERTY: A new utility pole to replace an existing utility pole #24/56 located in public right of way adjacent to Station Avenue, Yarmouth (SC15) Map & lot#:0088.236 (Address is reference only) Zoning District: R-40; Book/Page: n/a

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Dick Martin, Susan Brita and Tom Baron

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petition was presented by Peter D. Anderson, Esq. of McLane Middleton P.A., Ralph Colorusso of Nexius and Keith Vellante of CSquared Systems on behalf of Cellco Partnership d/b/a Verizon Wireless (“VZW”) concerning VZW’s petition to install, operate and maintain Small Cell and Cloud Radio Access Network (“CRAN”) wireless communication antennas and supporting equipment to be mounted to a new utility pole to replace an existing utility pole #24/56, which is located in the public right of way adjacent to Station Avenue, Yarmouth, in an R-40 Zoning District.

The proposed installation will consist of a 38.7-inch tall canister antenna, which will be mounted to the side of a new utility pole to be installed that replaces an existing utility pole. The antenna resembles a traditional electric transformer similar to those already located on utility poles throughout the area. Additional supporting equipment (including a remote radio head, electrical junction box and meter, and fiber optic and power connections) will be mounted to the exterior of the pole, resulting in a self-contained antenna facility without the need for further infrastructure.

The Board unanimously concurred that the Petition meets the criteria under Section 408 of the Town of Yarmouth Zoning Bylaw (“Bylaw”) for a Special Permit. The Board further unanimously concurred that VZW has satisfied the requirements of Section 408.4.1 of the Bylaw with respect to its requests for waivers from Sections 408.6.2.5 and 408.6.2.5 (regarding Town-wide maps showing existing and proposed future Personal Wireless Service Facilities in the Town), Sections 408.6.3.3 (regarding siting elevations), Section 408.6.4 (regarding Design Filing Requirements).

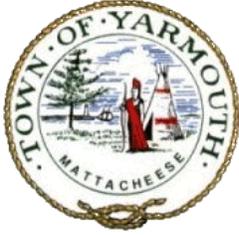
Dick Martin made a Motion to approve the Petition with conditions, seconded by Susan Brita. On this Motion, the Board voted unanimously in favor.

Subject to the following conditions:

1. No new lighting will be added by Applicant, per approved small cell site.
2. Applicant will provide “As Built” plans, per site, submitted within 1 year of construction, per site, to the Zoning Board of Appeals & Board of Health.
3. Applicant will provide emissions report, per site to the Board of Health.
4. Applicant will secure approval from the Town of Yarmouth, MA - Old Kings Highway Historical Commission, per site located within Commission’s historical areas.
5. Each approved site must meet any & all FAA or other government requirements.
6. Applicant must report emission report of compliance with maximum permissible radiation, per site, to be filed with the Zoning Board of Appeals and the Board of Health.
7. 408.12.3 Waiver for Abandonment or Discontinuation of Use – approved
8. Site plan waiver Granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)

Steven DeYoung, Chairman



COMMONWEALTH OF MASSACHUSETTS
TOWN OF YARMOUTH
BOARD OF APPEALS

Appeal #4737

Date: June 6, 2018

Certificate of Granting of a Special Permit

(General Laws Chapter 40A, section 11)

The Board of Appeals of the Town of Yarmouth Massachusetts hereby certifies that a Special Permit has been granted to:

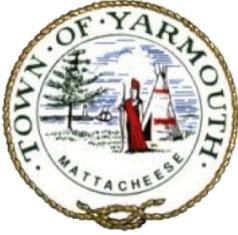
PETITIONER: Cellco Partnership d/b/a Verizon Wireless
c/o McLane Middleton, P.A., 900 Elm St., Manchester, N.H. 03101

OWNER: (1) Eversource Energy, One NSTAR Way, NWBED 180, Westwood, MA 02090
(2) Verizon Communications, Inc., 185 High St., Boston, MA 02111

Affecting the rights of the owner with respect to land or buildings at: **Existing Utility Pole (to be replaced a new utility pole) #24/56 located in public right of way adjacent to Station Avenue, Yarmouth, Map: 88, Lot: 236 (Address is reference only) Zoning District: R-40;** and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and copies of said decision, and of all plans referred to in the decision, have been filed.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) and Section 13, provides that no Special Permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Steven DeYoung, Chairman



TOWN OF YARMOUTH

Town
Clerk

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TELEPHONE (508) 398-2231 EXT.1285, FAX (508) 398-0836

CERTIFICATION OF TOWN CLERK

I, Philip B. Gaudet, III, Town Clerk, Town of Yarmouth, do hereby certify that **20 days** have elapsed since the filing with me of the above Board of Appeals Decision **#4737** that no notice of appeal of said decision has been filed with me, or, if such appeal has been filed it has been dismissed or denied. All appeals have been exhausted.

Philip B. Gaudet, II
Town Clerk