



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

NOTICE OF DECISION & VOTE

Applicant Owner:

New Cingular Wireless PCS, LLC
By AT&T Mobility Corporation,
Its Manager, and Michael R. Dolan, Esq.
Brown Rudnick LLP
121 South Main St.
Providence, RI 02903

Case No. 10-06 & 03-01

Date June 1, 2010

Premises Affected:

47 J Street
Turners Falls, MA 01376
Assessors' Map 3 Lot 24
F Co. Registry of Deeds: Bk 5663 Pg 282

Amended Special Permit (X)
Variance Application (40A) ()
Section 6 Ch. 40A - Finding ()
Site Plan Review (X)

After a public hearing held on:

Wednesday, May 26, 2010

The Board of Appeals Finds:

Special Permit #03-01 approved an unmanned, wireless telecommunications facility consisting of a set of 3 antennas at 103' above ground level, supporting equipment cabinet(s), telephone and electric service connections, air handling and condensing units. The facility was installed inside the existing steeple of the church. There were no exterior changes to the steeple or the church as a result of the initial installation. The new antenna location will require modification of the steeple's sheathing and roofing material.

The new 6 antenna array at 118' proposes to enhance wireless telephone service, resulting in more area coverage, improved pattern of 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 new antenna array and steeple modifications, with conditions, will not be of harm to the neighborhood, or to the natural resources of the Town and will not create nuisance, hazard or congestion. The proposed facility upgrade is anticipated to enhance the infrastructure of the Town.

The Board of Appeals States:

1. The governing permit is and remains #03-01 including condition #4 (*Additional antennas or other carrier locations are not within the scope of this approval.*)

Pursuant to condition 4 SP #03-01 THE BOARD OF APPEALS VOTED:

To grant a Special Permit that allows the replacement of the 3 antennas now located at 103 feet above ground in the steeple of the former St. Anne’s church with 6 antennas to be located at 118 feet and the installation of related supporting equipment.

Condition: The exterior modifications shall to the extent possible retain the architectural and ascetic character of the steeple.

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. <u>Ernest L. Brown, Chairman</u> | YES | 2. <u>John Burek, Vice-Chairman</u> | YES |
| 3. <u>John Reynolds</u> | YES | 4. <u>Dennis Booska</u> | YES |
| 5. <u>Ericka Almeida</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

Notice to be recorded by Landowner