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**Middlesex South Registry of Deeds**  
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COMMONWEALTH OF MASSACHUSETTS A TRUE COPY, ATTEST:  
ASHLAND ZONING BOARD OF APPEALS

HEARING NUMBER: 02-03

*Cynthia Livingstone*  
Cynthia Livingstone, Town Clerk

**I. APPLICANT:** The applicant in this matter is Omnipoint Holdings/ Voicestream Wireless. The applicant is represented by Robert Grace.

**II. APPLICATION:** The applicant seeks a Special Permit pursuant to terms of Section 282-46 of the Code, Town of Ashland, to allow the installation of one antenna array containing 9 (nine) antennas atop the Cedar street water tank, two electrical equipment cabinets and interconnecting coax cable, cable tray, telephone and electrical utilities.

**III. THE LOCUS:** The locus which is the subject of this application is located at 408 Cedar Street in a Residential A Zoning District and is shown in the Assessors' Atlas as Sheet 16, Block B, Lot 113A; Registry of Deeds' Book 11569, Page 356.

**IV. THE HEARING:** The public hearing in this matter was held in the Arnold Baker Meeting Room, Town Hall on January 7<sup>th</sup>, 2002, commencing at 7:15. Notice of the hearing was given to all persons deemed affected as shown on the latest tax rolls of the Town and by publication in "THE TAB", a newspaper of general circulation in the Town, on 12/18/2001 and 12/25/2001. The Board of Selectmen, Town Manager, Inspector of Buildings, Planning Board, Conservation Commission, Board of Health and Board of Assessors were also notified. Sitting at the hearing were Kitty Mahoney, Chair; James Hanna, Clerk; and Helene Wagner, Associate Member. Joseph Howarth was named as an alternate hearing member in case an emergency should arise. There were no objections.

**V. DISCUSSION:** The decision in this matter is based upon the application and supporting documentation, public records of the Town, testimony and evidence brought forth at the hearing and a view of the premises, all of which are incorporated by reference.

Mr. Grace appeared before the board representing the interests of Omnipoint. The proposal is to install one antenna array containing nine antennas atop the water tank, two electronic equipment cabinets located behind the AT&T shelter and Sprint equipment in a secured fenced compound and interconnecting coax cable, cable tray, telephone and electrical utilities. The proposal is on town-owned property and provided co-location opportunity for Omnipoint vs. construction of a new tower facility where infrastructure is existing and present on the water tank. The operation proposed to comply with all aspects of FAA standards. The site will be maintained monthly by on-site inspection generating 1 - 2 trips per month. The proposed antennae will be painted to match the color of the water tank. The antennas will be limited to a single array, which will be painted to match the color of the tank.

In it's viewing taken by all members sitting and voting, the Board noted all external characteristics of the locus and neighborhood. The subject site is a water tank; which is an existing structure and presently houses two wireless communication facilities. The water tank remains the principal use and the wireless facilities are subordinate to this use. The AT&T shelter is essentially out of view. The 10 feet extension requested by this variance represents the least necessary for reasonable and beneficial use. The request minimizes hardship on both the Town and Omnipoint that would result from a literal enforcement of the Zoning Bylaws. Due to the geographic location of the existing water tower and the limits to WCSD areas, the grant of this request would relieve the hardship of a new build and the additional impacts that a new build would impose.

There were no abutters present to oppose the request. The applicant has satisfied the terms of 282-10(C, D and E) under which the Board has unanimously found all of the following: The Granting Authority (The Z.B.A.) has determined that the proposed use shall not create a condition peculiar to the particular case that shall cause nuisance, hazard or congestion or for other reason cause substantial harm to the neighborhood and derogation from the intent of this chapter and that the proposed use will be of some substantial benefit or serve some need of the Town. That a Special Permit may be issued with such reasonable conditions and safeguards or limitations in time and/or used as the Special Permit Granting Authority (The Z.B.A.) has deemed necessary to serve the purpose of the Chapter.

VI. VOTE: Therefore, it was unanimously and duly VOTED TO GRANT such Special Permit with the following conditions and safeguards in place:

1. There shall be minimal disturbance of existing ground vegetation.
2. A proper receptacle for trash generated shall be located and regularly maintained by Omnipoint Holdings or their designee.

Kitty Mahoney	Voting to Grant with 2 conditions.
James Hanna	Voting to Grant with 2 conditions.
Helene Wagner	Voting to Grant with 2 conditions.

DATE: 2/11/2002

ASHLAND ZONING BOARD OF APPEALS  
By:

Reviewed as to form:

[Signature] 2/14/2002  
Town Counsel [Signature]

[Signature]  
[Signature]  
[Signature]

Filed with Town Clerk on:

Date: February 14, 2002

[Signature]  
Cindy Giles, Town Clerk  
CINDY L. WATLING

RECEIVED FEB 14 2002

APPEALS MAY BE MADE PURSUANT TO SECTION 17, CHAPTER 40A, M.G.L. IF NO APPEAL IS MADE WITHIN TWENTY DAYS OF THE DATE OF FILING OF THIS DECISION WITH TOWN CLERK, THE FOLLOWING SHALL BE EXECUTED BY TOWN CLERK:

I HEREBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

DATE: March 7, 2002

Cindy Watling  
Cindy Watling, Town Clerk

\*\*\*\*\*NOTICE\*\*\*\*\*

The Grantee must see to the filing and indexing of this decision and certification in the Registry of Deeds as set forth in Chapter 40A, Section 11, M.G.L. This grant shall not be in effect until proof of filing is shown and filed with the Inspector of Buildings and the Zoning Board of Appeals.