



**TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET**

TEL: (508)881-0100x7927
FAX: (508) 881-0102

Tricia Kendall, Chair
Peter Matchak, Town Planner

**Certificate of Approval – Special Permit Modification
T-Mobile Northeast, LLC
396 - 400 Cedar Street, Assessors Map 29, Lot 132
Ashland, Massachusetts**

December 14, 2023

RECEIVED
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ASHLAND, MA
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In Accordance with Massachusetts General Law (MGL), Chapter 40A (The Zoning Act) and Chapter 282, Section 6.4 (Wireless Communication Facilities) the Planning Board (the “Board”) received an application on September 18, 2023 (the “Application”) and subsequently held a public hearing for the applicant: T Mobile Northeast LLC, 10 Commerce Way, Suite B, Norton, MA 02776 C/O Adam F. Brailard, Esq., Prince Lobel Tye, LLC One International Place, Suite 3700, Boston, MA 02110. The applicant seeks to modify the existing special permit for the removal and replacement of antennas and ancillary equipment on the existing water tank. The applicant seeks to relocate the antenna from the top of the existing water tank to the side. The equipment will be aesthetically consistent with the existing structure and antenna array. The proposal includes the installation of 5G-capable equipment. The property is located 396 - 400 Cedar Street, Assessors Map 29, Lot 132, in the Residential “A” Zoning District.

The Public Hearing and continuances were held pursuant to notice published in the Metro-West Daily News on Wednesday, September 27, 2023 and Wednesday, October 4, 2023 and mailed to parties of interest within 300ft. of the locus in both Holliston, MA and Ashland, MA.

The Planning Board opened a public discussion of the aforesaid application on October 12, 2023. The public hearing continued to October 26, 2023, November 9, 2023 and December 14, 2023. The public hearing was closed on December 14 2023. The Planning Board public hearing was held via a hybrid meeting combining an in person and zoom video conference in full compliance with Massachusetts Open Meeting guidelines. Agendas and meeting material were available on the Town of Ashland website. Members of the Planning Board who sat on this public meeting were Tricia Kendall (Chair), Anna Tesmenitsky (Vice Chair), Catherine Jurczyk (Clerk), Deepa Venkat (Member), Marcelo Arjona (Member), and Amanda Hayes (Associate Member). Voting members of the

396 – 400 Cedar Street Special Permit Modification
T-Mobile Northeast, LLC
Planning Board Decision

Planning Board for this application were Tricia Kendall, Anna Tesmenitsky, Catherine Jurczyk, Deepa Venkat, and, Marcelo Arjona.

Documents of Record

The application packet stamped at the Town Clerk’s Office on September 18, 2023 contained:

- Application for Special Permit Modification dated September 18, 2023
- Application Letter dated September 11, 2023. Re: Eligible Facilities Request pursuant to Section 6409 of the Spectrum Act and an Application for Special Permit Modification, in the Alternative.
- Certified Abutters List for the Town of Ashland and Holliston, MA.
- Set of Plans titled “Site Number 4BS0539A, Site Name: BS539/Cedar Street WT-RFP”, Site Address: 396 Cedar Street, Ashland, MA 01721, Middlesex County. Plans prepared by Advanced Engineering Group, P.C., and Centerline Communications. Plans dated September 27, 2021, holding a revision date of December 12, 2023 signed and stamped by Scott Adams, P.E., No. 46006. Commonwealth of Massachusetts Registered Professional Engineer.

Sheet:	Description:	Plan Date:	Rev. Date
T-1	Title Sheet	9/27/21	12/12/23
GN-1	General Notes	9/27/21	12/12/23
A-1	Compound & Equipment Plans	9/27/21	12/12/23
A-2	Elevations	9/27/21	12/12/23
A-3	Antenna Plans	9/27/21	12/12/23
A-4	Details	9/27/21	12/12/23
S-1	Structural Details	9/27/21	12/12/23
S-2	Cabinet Mounting Details	9/27/21	12/12/23
S-3	Standoff Bracket Details	9/27/21	12/12/23
S-4	Structural Notes	9/27/21	12/12/23
G-1	Grounding, One –Line Diagrams & Details	9/27/21	12/12/23

- Advanced Engineering Group. P.C., Structural Design Calculations, dated August 8, 2023. Completed by Marc R. Chretien, Civil No. 40313, Commonwealth of Massachusetts Registered Professional Engineer.
- Ashland Zoning Board of Appeals Hearing Number: 02-03 Special Permit Decision record as book: 82003 page: 518 within the Southern Middlesex Registry of Deeds.
- Ashland Zoning Board of Appeals Hearing Number: 02-04 Variance Decision record as book: 36188 page: 127 within the Southern Middlesex Registry of Deeds.
- Lease Agreement dated August 16, 2023 between the Town of Ashland and T-Mobile Northeast, LLC.
- Federal Communication Commission, Radio Station Authorization. Licensee: T-

Mobile License, LLC. Grant date 05-30-2019.

- Peer Review Letter dated November 7th, 2023 addressed Mr. Doug Small, Department of Public Works Director. RE: T-Mobile Installation on Cedar Review. Letter signed by Greg J. Eldridge, P.E. Vice President – Senior Project Manager of Haley Ward.
- Peer Review Letter dated November 22th, 2023 addressed Mr. Doug Small, Department of Public Works Director. RE: T-Mobile Installation on Cedar Review. Letter signed by Greg J. Eldridge, P.E. Vice President – Senior Project Manager of Haley Ward.
- Peer Review Letter dated December 12th, 2023 addressed Mr. Doug Small, Department of Public Works Director. RE: T-Mobile Installation on Cedar Review. Letter signed by Greg J. Eldridge, P.E. Vice President – Senior Project Manager of Haley Ward.
- Email from Adam Braillard. Re: 400 Cedar Street dated December 13, 2023.
- Letter Addressed to Mr. Doug Small, Director, Department of Public Works, 20 Ponderosa Road, Ashland, MA. Re Engineering Evaluation – Anchor Antennas Installation, T-Mobile Site Number 4BS0539A, BS59/Cedar Street WT, 396 Cedar Street Ashland, MA 01721. Signed and stamped by Marc R. Chretien P.E., No. 40313. Commonwealth of Massachusetts Registered Professional Engineer.
- Peer Review Letter dated December 14th, 2023 addressed Mr. Doug Small, Department of Public Works Director. RE: T-Mobile Installation on Cedar Review. Letter signed by Greg J. Eldridge, P.E. Vice President – Senior Project Manager of Haley Ward.
- Email from Lisa Mead, Ashland Town Counsel. Re: Ashland Cell Tower_20 Pondarosa Rd dated December 8, 2020.
- Resident emails received by the Planning Board regarding the application.

Documents of Record Subject to the Following Facts, Findings and Conditions

As used herein, the term “Applicant” shall mean the Applicant, its heirs, successors and assignees and the term “Board” shall mean the Planning Board, whoever its members shall be from time to time.

Facts and Findings

Based on the evidence presented by the Applicant, the Board makes the following findings outlined in Chapter 282, Section 9.4 (Wireless Communication Facilities) of the Ashland Zoning Bylaws:

1. The applicant seeks to modify the existing special permit granted by the Zoning Board of Appeals granted in 2002. The applicant shall replace antennas and ancillary equipment on the existing water tank and relocate all equipment from the top of the existing water tank to the side following the recently executed lease agreement with the Town of Ashland. The equipment will be aesthetically consistent with the existing structure and antenna array. The proposal includes the installation of 5G-capable equipment.

2. 47 US Code §1455(a) and 47 C.F.R. §1/6100(b) requires permitting authorities to approve an eligible facilities request. This modification is an eligible request.
3. The proposed modifications will not extend above the current height of the water tank.

Conditions

1. No work shall occur on the locus, nor shall any building permits issue, until the Applicant has first obtained all necessary permits from all municipal town departments including but not limited to the Ashland Building Office.
2. Safety instructions for addressing fire-based issues at this location shall be placed in Ashland Fire Department apparatus to an extent deemed reasonable by the Department.
3. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction activities shall not commence on any day before 7:00 AM and shall not continue beyond 7:00 PM. There shall be no construction activities on any Sunday or federal legal holidays.
4. Prior to the issuance of building permits the Applicant shall provide the name and contact information of the contractor on site. Furthermore, the Applicant shall provide the Town of Ashland with emergency contact information for site supervision.
5. This approval decision and approved plans shall be recorded at the South Middlesex Registry of Deeds. A copy of the recorded documents and approved plans bearing the date of recording and the book and page number shall be delivered to both the Planning and Building Departments prior to the issuance of all town permits and the commencement of work.
6. In accordance with Section 9.3.8 of the Zoning Bylaw, a special permit shall lapse after three (3) years from the grant thereof if a substantial use thereof or construction thereunder has not sooner commenced except for good cause.

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T-Mobile Northeast, LLC
Planning Board Decision

Decision

Following a presentation by the Applicant’s agent, Adam F. Brailard, Esq., and a review by Board members, the Board voted 5-0 to approve the special permit modification incorporating all of the Conditions noted above, as substantially shown on plans titled • “Site Number 4BS0539A, Site Name: BS539/Cedar Street WT-RFP”, Site Address: 396 Cedar Street, Ashland, MA 01721, Middlesex County. Plans prepared by Advanced Engineering Group, P.C., and Centerline Communications. Plans dated September 27, 2021, holding a revision date of December 12, 2023 signed and stamped by Scott Adams, P.E., No. 46006. Commonwealth of Massachusetts Registered Professional Engineer.

Planning Board Vote:

Special Permit Modification Approval, Section 9.3 (Chapter 282, Section 6.4 (Wireless Communication Facilities)
T-Mobile Northeast, LLC
396 – 400 Cedar Street

Vote: Approved (5-0-0)

VOTE: (Y) Tricia Kendall, Chair (Y) Anna Tesmenitsky, Vice Chair

(Y) Catherine Jurczyk, Clerk

(Y) Deepa Venkat, Member

(Y) Marcelo Arjona, Member

(NA) Amanda Hayes, Associate Member

(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.

(NA) = Associate Member no vote cast

(R) = Recused from Public Hearing

By a 5-0-0 vote, the Planning Board approves the Special Permit Modification under Section 9.3 (Chapter 282, Section 6.4 (Wireless Communication Facilities)

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Town of Ashland Planning Board

TRICIA KENDALL

Tricia Kendall, Chair

Anna Tesmenitsky

Anna Tesmenitsky, Vice Chair

Catherine Jurczyk

Catherine Jurczyk, Clerk

Deepa Venkat

Deepa Venkat, Member

Marcelo Arjona

Marcelo Arjona, Member

Amanda Hayes, Associate Member

Decision filed with the Town Clerk on:

Date: December 18, 2023

Cynthia T. Livingstone
Cynthia T. Livingstone, Town Clerk,
Deputy

In accordance with Section 11 of Chapter 40A, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Ashland Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date: _____

Cynthia T. Livingstone, Town Clerk