

COMMONWEALTH OF MASSACHUSETTS
ASHLAND ZONING BOARD OF APPEALS

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mu-attf*

HEARING NUMBER: 02-01

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 installations of a 150 foot cellular tower / telecommunications facility.

III. THE LOCUS: The locus which is the subject of this application is located at Department of Public Works site off Ponderosa Road in a Residential A Zoning District and is shown in the Assessors' Atlas as Sheet 8, Block A, Lot 16; Registry of Deeds' Book 3590, Page 121.

IV. THE HEARING: The public hearing in this matter was held in the Arnold Baker Meeting Room, Town Hall on January 7th, 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. Steve Leacu recused himself from participating in the hearing. 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.

1. R.F.P. and Lease agreement: Town of Ashland, Massachusetts: the Ashland Board of Selectmen and Omnipoint Holdings / Voicestream.
2. Site Plan dated & revised 11/28/01 entitled 4BS - 0538 - C.
3. Massachusetts Department of Public Health approval.
4. View-shed analysis, photograph simulations and testimony by engineer Paul Mucci.
5. Radio frequency propagation charts and testimony of engineer; Anna Adkins.
6. Winthrop Real Estate Advisory testimony of Debra Haskell, CRE, MAI.
7. F.C.C. License.

Mr. Grace appeared before the board representing the interests of Omnipoint. The proposal is a structure designed to be a multi carrier facility. The proposed antennae will be a neutral gray finish. The equipment service area will be located within a secured fenced compound. Utilities (telephone and power) will be installed underground. Traffic generated by this proposal is estimated to be 2 visits per month per user. It is designed to collocate up to five users. The site is monitored of site electronically 24 hours a day, 7 days per week, There is no plan or proposal for commercial signage with the exception of the small 24 hour emergency telephone information posting. The proposal for the antennae array is flush mount style so there will be less projection off the pole. Town Manager, Mr. Blois, stated there were recent discussions with Omnipoint and Sprint with the Town of Ashland regarding Sprints desire to co-locate at this site and thereby withdraw their appeal to an earlier (separate) denied special permit for a telecommunications tower on Mountaingate Road. In it's viewing taken by all members sitting and voting, the Board noted all external characteristics of the locus and neighborhood. The proposal is for a 150-foot monopole with flush mount antennae to be located on a 19.2-acre parcel of land.

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04/09/02 11:04:21
Off Ponderosa Rd
Ashland, MA.

The locus is largely commercial in nature with two existing commercial structures. The existing use of the locus includes heavy trucking, automotive service and repair and open storage of bulk materials. The topography slopes severely with a rise on the easterly boundary. There is an existing mature tree canopy along the perimeter of the property. The proposed pole is 162 feet from the fish and game property line. Pole height in relation to the closest residential structure is well within the by-law guidelines at over 450 feet.

In its deliberations, the Board finds that the applicant has satisfied the terms of 282-10(C, D and E) and 282-46 under which the Board has unanimously found all of the following: The Granting Authority 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. All antennae shall be of similar shapes, styles and configurations as a flush mount style.
2. There shall be minimal disturbance of existing ground vegetation.
3. A proper receptacle for trash generated shall be located and regularly maintained by Omnipoint Holdings or their designee.
4. Adequate security and parking areas shall be maintained by Omnipoint Holdings or their designee.
5. Security lighting installed for the service of this locus shall have minimal migration effect on surrounding residential areas.

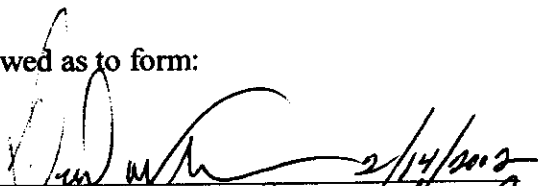
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|---------------|------------------------------------|
| Kitty Mahoney | Voting to Grant with 5 conditions. |
| James Hanna | Voting to Grant with 5 conditions. |
| Helene Wagner | Voting to Grant with 5 conditions. |

OFFICIAL RECORDS


DATE: 2/11/2002


ASHLAND ZONING BOARD OF APPEALS
By:

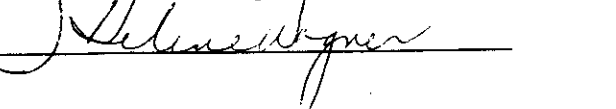
Reviewed as to form:



 Town Counsel *Donna K. Hetherington*

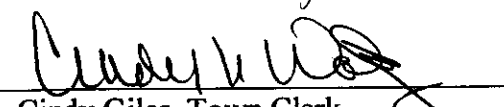






Filed with Town Clerk on:

Date: February 14, 2002



 Cindy Giles, Town Clerk
 CINDY L WATLING

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.

A True Copy Attest:
Cindy L. Watling
Cindy L. Watling
Town Clerk, CMC/CMMC