



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

Any appeal shall be filed within (20) days after the date of filing this notice in the office of the Town Clerk.

MEMORANDUM OF DECISION SITE PLAN APPROVAL

PUBLIC HEARINGS: November 5, 2019
DATE OF DECISION: November 5, 2019


Petition of: New Cingular Wireless, PCS, LLC.
550 Cochituate Road
Framingham, MA 01701

Premises Affected: 183 Main Street
Groveland, MA 01834
Assessors Map 06, Parcel 001

TOWN OF GROVELAND
2019 NOV - 7 PM 2: 02
TOWN CLERK
RECEIVED/POSTED

Referring to the above petition for a Site Plan Approval filed pursuant to Section 13 of the Groveland Zoning Bylaw to replace the antennas and upgrade equipment to include an increase in pole dimension on the existing wireless facility located on site (the "Project"), located at 183 Main Street (Assessors Map 06, Parcel 001) located in the Residential 2 (R-2) Zoning District and Aquifer Protection District.

After a public hearing given on the above dates, and upon a motion by Robert Araeklian, seconded by Walter Sorenson, the Planning Board APPROVES the application for a Site Plan as amended with conditions. A vote of 5-0 was made in favor of the application.



On behalf of the Groveland Planning Board

Robert Danforth, Chair
Robert Arakelian
Walter Sorenson
Jim Bogiages
Brad Ligols, Associate Member

The Planning Board herein APPROVES Site Plan Approval under Section 13 of the Zoning Bylaw to allow New Cingular Wireless, PCS, LLC. to replace the antennas and upgrade equipment to include an increase in pole dimension on the existing wireless facility located on site as depicted on the Site Plan. The Project is within the Residential 2 (R-2) Zoning District and Aquifer Protection District.

The application was filed on October 21, 2019. The Applicant submitted a complete application conforming to the requirements of the Zoning Bylaw, which application was noticed and reviewed in accordance with Section 13 of the Groveland Zoning Bylaw. The public hearing on the above referenced application was opened on November 5, 2019 and closed on November 5, 2019. A quorum of Planning Board members was present.

The Planning Board makes the following findings as required by the Groveland Zoning Bylaws Section 13:

FINDINGS OF FACT

- 1) The proposed Project will not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw.
- 2) On July 7, 2004 the Zoning Board of Appeal approved the Special Permit to Sprint Spectrum LP. to construct a Wireless Communications Facility (WCF) on a 60' x 60' area of the Pine's Recreation; install a 120' four-carrier stealth enclosure monopole that will contain antennas within the pole; install on the ground next to the monopole related electrical equipment within the 60' x 60' compound; install a fence for security and safety purposes, and; construct a gravel road 140' long off the road inside Water Department area.
- 3) The Wireless Communication Facility Building Permit (#50055) was issued on October 26, 2004.
- 4) New Cingular Wireless, PCS, LLC will not store any hazardous materials on the site.

DEFINITIONS

- 1) The "Locus" or "Site" refers to the 19.9 acres of land with land fronting on Main Street as generally shown on Assessors Map 06, Parcel 001, and also known as 183 Main Street, Groveland, Massachusetts, as more particularly depicted on the "Plans" as defined below.
- 2) The "Plans" refer to the plans prepared Tower Engineering Solutions (TES), 1320 Greenway Drive, Suite 600 Irving, TX 75038 titled, "Modification and Design Drawing for an Existing 119' EEI Monopole Tower Proposed Carrier AT&T Site: MA46686-1/Municipal Skate Park", sheets T-1, BOM, GN-1, A-1 dated June 6, 2019.
- 3) The "Project" refers to the replacement of the antennas and upgrading of equipment to include an increase in pole dimension on the existing wireless facility located on site, located in the Residential 2 (R-2) Zoning District and Aquifer Protection District.
- 4) The "Applicant" refers to New Cingular Wireless, PCS, LLC. the applicant for the Approval, its successors and assigns.
- 5) The "Project Owner" refers to the person or entity holding the fee interest to the title to the Locus from time to time, which can include but is not limited to the applicant, developer, and owner.

DECISION

After considering the required standards and factors set forth in Section 13 of the Groveland Zoning Bylaws, the Planning Board finds that the requested site plan approval may be granted because it does not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw.

The Planning Board grants the site plan approval for the Project as shown on the Record Plans, subject to the following conditions:

SPECIAL CONDITIONS

- 1) Upon abandonment or permanent discontinuation of use of its wireless facility, New Cingular Wireless shall physically remove its wireless facility from the site within 90 days.

PRIOR TO A BUILDING PERMIT

- 1) This Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. Two (2) copies of the signed and recorded Memorandum of Decision must be delivered to the Planning Department. One (1) copy must be provided to the Groveland Zoning Board of Appeals.

GENERAL CONDITIONS

- 1) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 2) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 3) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 4) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 5) Gas, telephone, cable and electric utilities shall be installed underground as specified by the respective utility companies.
- 6) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 7) Exterior construction of the Project shall not commence on any weekday before 7:00AM and shall not continue beyond 6:00PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8AM shall not continue beyond 5PM with the same exceptions.

The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be enforced by the Police Department.

8) This Site Plan Approval shall be deemed to have lapsed after **November 5, 2020** (one year from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.

9) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c.40A Section 17, to appeal this decision within twenty days after the date this decision has been filed with the Town Clerk.

10) The following information shall be deemed part of the decision:

Plan titled: Modification and Design Drawing for an Existing 119' EEI Monopole Tower
Proposed Carrier AT&T Site: MA46686-1/Municipal Skate Park

Prepared for: New Cingular Wireless, PCS, LLC 550 Cochituate Road Framingham, MA
01701

Prepared by: Tower Engineering Solutions (TES), 1320 Greenway Drive, Suite 600 Irving. TX
75038

Scale:

Date: June 6, 2019

Sheets: T-1, BOM, GN-1, A-1

cc:

Town Departments
Applicant
Abutters