

***Town of Weymouth
Massachusetts***

**Kathleen A. Deree
Town Clerk**

**Town Clerk's Department
781-340-5017
781-682-6129 (FAX)**



**Robert L. Hedlund
Mayor**

**75 Middle Street
Weymouth, MA 02189**

August 5, 2021

To Whom It May Concern:

I, Kathleen A. Deree, Town Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on July 14 2021 on APPLICATION OF: New Cingular Wireless, Case # 3454.

No appeal was filed within the twenty (20) day appeal period.

Signed: _____

Kathleen A. Deree

A True Copy. ATTEST:

Kathleen A. Deree

Kathleen A. Deree
Town Clerk

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
87 WHARF STREET**

**RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2021 JUL 16 AM 9:13**

(To be mailed forthwith to the owner and applicant, if not the owner.)

Owner: Town of Weymouth
Address: 75 Middle St.
Weymouth, MA 02189

Date: July 16, 2021

Applicant: New Cingular Wireless PCS LLC ("AT&T")
Address: 550 Cochituate Road
Framingham, MA 01701

Case #: 3454

Representative: Edward D. Pare, Jr., Esq.
Brown Rudnick LLP
10 Memorial Boulevard
Providence, RI 02903

Site Address: 87 Wharf Street

Sheet: 19
Block: 172
Lot: 2

Filing Date: 6/24//2021

Hearing Date: 7/14/2021

Advertised: 6/30/2021 & 7/7/2021

Zoning District: PIP

At a public hearing on 7/14/2021 the Board of Zoning Appeals;

VOTED UNANIMOUSLY TO GRANT A SPECIAL PERMIT under *Weymouth Zoning Ordinance 120-40 - Extension or Change by Special Permit to install a 120' temporary and removable monopole-style ballasted monopole with six (6) panel antennas with associated antenna equipment on the monopole, electronic equipment located within a trailer at the base of the tower all within a temporary fenced compound and electric and fiber utilities all as depicted on the plans referenced below.*

The decision of the Board is based on a plan set titled "*AT&T; Site Number: MA5839; Site Name: Weymouth Relo Temp; FA Code: 15485224; Pace ID: MRCTB050232; Project: NSB*", dated 5/3/21 and prepared by Hudson Design Group LLC with a last revision date of 5/19/21.

FINDINGS:

The Board found that the extension or change in use will not be substantially more detrimental to the neighborhood than the existing nonconforming use. AT&T's wireless facility has been located at the site for many years and its antennas are attached to the existing smokestack at a greater height than the proposed monopole. The proposed monopole is approximately 40'

lower in height than the smokestack. The Town of Weymouth is scheduled to demolish the smokestack so AT&T's facility will not provide coverage without a replacement facility. The proposed temporary facility will not be substantially more detrimental than the existing antennas mounted on the existing smokestack because: the monopole will be temporary and much lower in height than the smokestack; the antennas will be mounted in a manner which will not exceed the height of the monopole; the use will continue to be passive in nature and not produce excessive noise, smoke, odors, glare, waste, dust, or excessive amounts of traffic. Once constructed, visits to the facility will average one or two per month by maintenance personnel who will park their maintenance vehicle at on the near the facility and not along the street, just as currently exists.

The Board found that the proposal met the requirements for a Special Permit under Section 120-122 (D) as follows:

1. **The specific site is an appropriate location for such a use.** *The site continues to be an appropriate location for the use because the proposed facility will replace the existing wireless facility and be a temporary installation on a ballasted monopole with equipment located at ground level on a temporary trailer. The Town of Weymouth intends to demolish the smokestack and the temporary facility allows AT&T to maintain critical wireless coverage in the area while allowing the demolition project to proceed. The site is a large parcel with vegetation along its boundary to partially screen the monopole from view. The facility will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. The facility will comply with all applicable laws and regulations including the FCC requirements relating to radio frequency emissions and the Massachusetts State Building Code. The facility will continue to provide communication coverage and connections in this area of the Town of Weymouth. The facility will continue to provide emergency communications for police, fire and public safety. AT&T will remove the temporary facility once a permanent location is permitted. The Board notes that the property is owned by the Town of Weymouth which controls the terms of the license with AT&T.*
2. **The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.** *The proposed temporary facility will not be detrimental to the established or future character of the neighborhood or Town because the use is temporary, passive in nature and will not generate excessive noise, odors, waste, smoke, or glare. The facility will continue to provide wireless services in the area, a benefit to those living, working and visiting this area of the Town of Weymouth.*
3. **There is not a potential for nuisance or serious hazard to vehicles or pedestrians.** *The use is temporary, passive in nature and will not generate excessive noise, odors, waste, smoke, or glare. Once constructed, visits to the temporary facility will continue to average one or two trips per month by maintenance personnel who will park their service vehicle by the gate of the fenced compound area and not on the street. Nothing will change regarding existing traffic levels and patterns.*
4. **There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.** *The proposed temporary facility will function with standard electric and fiber services already available on the*

site. No Town services are required. The project will be constructed in accordance to all applicable federal and state requirements, building codes and other Town requirements.

5. **That the public convenience and welfare will be substantially served with the proposal.** *The project meets all requirements for a Special Permit under Section 120-40. The wireless facility will continue to provide wireless communications services to the residents, businesses and visitors in this area of the Town of Weymouth. The facility will maintain emergency communications for police, fire and public safety communications. AT&T's proposed temporary facility will be consistent with the purpose of the Bylaw and will comply with the existing height limitation of 120'. The site is a large parcel with vegetation along its boundary to partially screen the monopole from view. The facility will comply with all applicable laws and regulations including the FCC requirements relating to radio frequency emissions and the Massachusetts State Building Code. The Board also notes that the parcel is under the ownership and control of the Town of Weymouth and will continue to receive financial remuneration.*

CONDITIONS:

1. Upon removal of the temporary wireless facility, AT&T will restore the site to the same condition as prior to the installation.

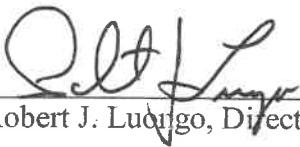
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on July 16, 2021

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.



Robert J. Luongo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

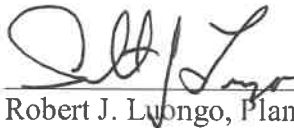
BOARD OF APPEALS

July 16, 2021

Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Special Permit has been granted to New Cingular Wireless PCS LLC ("AT&T"), 550 550 Cochituate Road, Framingham, MA 01701, affecting the rights of the owner with respect to land or buildings at 87 Wharf Street also shown on the Weymouth Town Atlas Sheet 19, Block 172, Lots 2, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.



Robert J. Luongo, Planning Director



Kathleen Deree, Town Clerk

Case # 3454

Date of Hearing: 7/14/2021

64116990 v1-WorkSiteUS-026788/0164

BZA Decision – 87 Wharf Street
(Case 3454)