

**Zoning Board of Appeals  
Minutes  
June 12, 2023**

*These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting – Open Meeting Law – Section III.*

Members present: Michael Main, Edward Conroy, Michael Leary, Kevin O’Reilly

Alternates present: Peter Conner

Alternate absent: Philip Ricardi

Recording Secretary: Denise DeCoste

Mr. Main opened the meeting at 7:00 P.M.

The Board voted to recess until 7:30 P.M. in anticipation of the arrival of the fifth Board member.

The meeting was re-opened at 7:30 P.M.

**Case #4096 Industrial Towers & Wireless  
17 River Run Way, Map 111, Lot 1C-12**

Special permit required per section 205.2 use table to construct a communication tower and per dimensional table to waive maximum height of a structure.

The Board has received the following for review:

- Zoning Board of Appeals Petition Application, prepared for Industrial Tower & Wireless, LLC, received May 12, 2023.
- Authorization Form to Represent Property Owner dated 3/23/2023.
- Department of Inspectional Services Zoning Denial dated April 6, 2023, requiring a special permit.
- Plymouth VI, Massachusetts Site Telecommunications Facility Design and Impact Project Narrative.
- Overview of Plymouth, MA Tower Proposal.
- Plan set titled “Industrial Tower and Wireless, PLYMOUTH VI, MA”, prepared by Industrial Tower and Wireless Engineering Division, dated 4/14/23.
- RF Reports for Proposed Wireless Plans for T-Mobile and Verizon Wireless.
- Fire Department comment letter dated May 17, 2023.
- Public Health Department memo dated May 16, 2023
- Engineering Department memo dated June 5, 2023.
- Peer review prepared by Ivan Pagacik of IKD Communications, dated June 6, 2023.
- C Squared Systems, LLC, RF Report, dated May 30, 2023.
- Radio Frequency statement, prepared by Ryan Monte de Ramos, Engineer, dated May 24, 2023.
- Federal Aviation Administration memo dated May 9, 2023.
- Staff Report prepared by Robin Carver, dated June 8, 2023.

- Additional correspondence and materials are available in the case file.

Mr. Conroy read the public hearing notice into record and opened the public hearing.

Seated: Mr. Main, Mr. Conroy, Mr. Leary, Mr. O'Reilly, Mr. Conner

Shayna Galinat and Kevin McFadden, Industrial Tower and Wireless, presented the request for Special Permits to construct a 150 ft. monopole communication tower with gated access off Bourne Road on a 13.7-acre parcel. Verizon and T-Mobile are co-applicants. The leased site has an area of 100 sq. ft. An 8 ft. high metal fence will surround the 80 sq. ft. compound and a sign will be placed at the entrance per FCC regulations. An 18 ft. wide turnaround has been provided at the entrance to the site to accommodate larger vehicles. The FAA has determined that no lights or beacons are necessary on the tower. Minimal tree removal will be required to construct the pole and compound. T-Mobile and Verizon will be located on the tower and there will be space for three additional carriers. Space will also be provided for the Town's emergency response system. Once operational the tower will fill a gap in coverage in the Bourne/Wareham/Halfway Pond Road area as well as the Redbook development. Maintenance and landscape of the tower area is provided by Industrial Tower and Wireless. The Planning Board approved the special permit unanimously.

Public comment –

Les Plimton, abutter, had concerns regarding the transformer for the tower. Joel Crosby, this would be directly behind his property, has concerns regarding radio frequency with regard to the health risks, he has a sick child that could be affected.

Public comment closed.

Ms. Galinat indicated that a balloon test was performed. Board members said they were not notified of the test. Mr. McFadden stated that August 10, 2022, a balloon test was performed at 150'. His understanding was Red Brook notified the Planning Board and Zoning Board of Appeals that the test was to occur. He does not believe abutters were notified. Mr. Leary stated that a peer review was conducted, and supported the fact there is a gap in coverage in this area. He also stated this is a utility; they have a right to erect a tower. Michael Iman, President, Industrial Tower and Wireless, explained radio frequency effects. He explained the cell tower sites are well below the federal requirements. Carriers must adhere to federal guidelines.

Mr. Conroy stated that federal law requires petitioner to provide independent analysis stating no feasible alternative to proposed location. Additionally, three estimates for removal are required that are within 10% of one another.

Mr. Conner made a motion to continue Case #4096 to July 17, 2023, requesting 3 estimates for removal, and independent technical evidence stating there is no feasible alternative site. Mr. O'Reilly 2<sup>nd</sup> the motion. Unanimously approved to continue (5-0).

**Case #4097 Vertex Tower, LLC  
4 Cedarhill Park Dr., Map 55, lot 37A-2**

Special permit required per section 205.2 use table to construct a communication tower and per dimensional table to waive maximum height of a structure.

The Board has received the following for review:

- Zoning Board of Appeals Petition Application, prepared for Vertex Towers, LLC, by Parisi Law Associates, P.C., dated 4/18/2023.
- Authorization Form to Represent Property Owner dated 5/20/2020.
- Department of Inspectional Services Zoning Denial dated April 12, 2023, requiring a special permit.
- Project Narrative for Wireless Communications Facility, applicant: Vertex Towers, LLC, prepared by Parisi Law Associates, P.C., dated May 11, 2023, with associated documents.
- Plan set titled “VT-MA-0183G PLYMOUTH” 4 Cedarhill Park Drive Plymouth, MA, prepared by Vertex Towers, LLC and Advanced Engineering Group, dated 11/15/2021, and revised 4/17/2023.
- Site Emissions Report dated April 12, 2023.
- TOWAIR Determination Results
- Fire Department comment letter dated 5/17/2023.
- Public Health Department memo dated May 16, 2023.
- Engineering Department letter dated June 5, 2023.
- Peer Review prepared by Ivan Pagacik of IDK Communications, dated June 6, 2023.
- Staff Report prepared by Robin Carver, dated June 8, 2023.
- Additional correspondence and materials are available in the case file.

Mr. Conroy read the public hearing notice into record and opened the public hearing.

Seated: Mr. Main, Mr. Conroy, Mr. Leary, Mr. O’Reilly, Mr. Conner

Steve Kelleher, Vertex Towers, LLC. presented the request for special permits in order to construct a 120 ft. high monopole communication tower off Cedarhill Park Drive. The Special permit is for height limitations. The property is in a General Commercial zone. The tower would be located within a 50 sq. ft. fenced compound and provide service to the surrounding commercial area as well as Routes 3 and 3A. Similar to the previous presentation, there will be no impacts to air navigation, lighting will not be installed. Space will be provided for the Town’s public safety use. The site plan will be slightly altered to move the proposed tower further away from the power easement. Currently, there is no tenant for the cell tower. The Fire and Engineering Department have given positive comments, as well as the Planning Boards approval. The Board deliberated at length regarding what is required to move forward, ultimately deciding the same requirements as the previous case are needed. The Petitioner was opposed to the request stating it is not necessary, the information provided should be all the Board needs to vote, however, agreed to obtain information.

Public Comment – None, public comment closed.

Mr. Conroy made a motion to continue Case #4097 to July 17, 2023, requesting three estimates for removal, and independent technical evidence stating there is no feasible alternative site. Mr. Conner 2<sup>nd</sup> the motion. Unanimously approved to continue (5-0).

Informal Business:

**Case #3490 Late Night, LLC**  
**59 Long Pond Rd., Map 55, Lot 34F-18**  
Determination of Compliance with Condition No. 5

The Board has received the following for review:

- Cover Letter from D’Ambruoso Law regarding Special Permit – Case #3490, dated May 8, 2023.
- Plans entitled ‘Site Permitting Plans prepared for Late Night, LLC, for Phase II of ZBA Case No. 3490 as Modified by Case No. 3490 and in Compliance with Condition 5 of Case No. 3490 – Comprised of 2 – 2240 SF Buildings, The Bridgewater Credit Union and a 40 Seat Coffee Shop 34 Parking Spaces provided, 28 required on Lot 34F-18, Plymouth Assessors Map 89, 55-69 Long Pond Road, prepared by Associated Engineers of Plymouth, Inc. of Plymouth, MA, dated 04/20/2023.
- Plans entitled “Proposed Bank & Café”, 55-69 Long Pond Road, Plymouth, MA- Landscape Plans prepared by R. Jon Henson Landscape Architects, dated 04/21/2023.
- Emergency Vehicle Circulation Plans dated March 24, 2023, prepared by Associated Engineers of Plymouth, Inc.
- Existing and Proposed Water Shed Plans March 24, 2023, prepared by Associated Engineers of Plymouth, Inc.
- Architectural Floor Plan and Elevations of Bridgewater Credit Union, dated 2-20-2023, prepared by reillydesign and Solidus.
- Condition 5 list of Site Plan responses to conditions, received May 11, 2023.
- Drainage Report- 59 Long Pond Road – Phase II, dated April 20, 2023.
- “Traffic Signal Plan- Long Pond Road at Shops at 5 Way”, prepared by VAI, dated November 2009.
- Town Engineers Comments dated June 6, 2023.
- Public Health Comments dated June 1, 2023.
- Fire Department Comments dated June 12, 2023.
- Staff Memo prepared by Robin Carver, dated June 7, 2023.
- Additional correspondence and materials are available in the case file.

Seated: Mr. Main, Mr. Conroy, Mr. Leary, Mr. O’Reilly, Mr. Conner

Atty. Robb D’Ambruoso, D’Ambruoso Law, presented the special permit dated back to 2004, the special permit has been altered, phase 2 has been altered as well. The site plans that would add two one-story, 2,240 sq. ft. structures beside the existing 17,000 sq. ft. building off Long Pond Road. One structure is proposed for a credit union with drive-through window and the other is identified as a “coffee shop”. Adequate parking has been provided and landscaping will complement the existing landscaping. The access will be reconfigured to provide a one lane entrance and a two-lane exit. The applicant has agreed to satisfy all Engineering Department comments prior to the building permit. The Planning Board gave unanimous approval. Bill Shaw, Associated Engineers of Plymouth, Inc., noted areas on the asphalt have faded and will be repainted. Traffic patterns were discussed, headlights in sight line were an area of concern. Jon Henson, Landscape Architects, planting design was discussed to

act as a headlight buffer, he noted junipers would be the most useful as they are year-round plantings, maintaining coverage in the winter months. It was agreed that plantings were to be placed along the berms for headlight control, this item will be added to the Conditions of the Decision.

Mr. Conner motioned that Condition #5 requirements have been met in case #3490, Mr. Leary 2<sup>nd</sup> the motion, unanimously approved (5-0).

Adjourn 9:22 P.M.

Approved: August 21, 2023

Respectfully submitted,

Denise DeCoste  
Administrative Assistant