

**Zoning Board of Appeals
Minutes
August 14, 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, and Peter Conner

Alternates present: Philip Ricardi and Tom Wallace

Recording Secretary: Eileen Hawthorne

Inspectional Services present: Colleen Tavekelian and Spencer Dancourse

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

Board Reorganization

The Board reorganized as follows:

Ed Conroy nominated Peter Conner for Chair, Michael Leary, seconded.

Kevin O’Reilly nominated Michael Main for Chair, Michael Leary, seconded.

The **vote** for Peter Conner as Chair was (2-3) with Ed Conroy and Peter Conner in favor.

The **vote** for Michael Main as Chair was (3-2) with Michael Leary, Michael Main and Kevin O’Reilly in favor.

Michael Main, Chair

Michael Main nominated Michael Leary for Vice Chair, Kevin O’Reilly, seconded; the **vote** was unanimous (5-0).

Michael Leary, Vice Chair

Michael Main nominated Kevin O’Reilly for Clerk, Michael Leary, seconded; the **vote** was unanimous (5-0).

Kevin O’Reilly, Clerk

**Case #4096 Industrial Towers & Wireless CONTINUED FROM 6-12-23, 7-17-23 and 8-7-23.
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 received the following documentation for this review:

Shayna Galinat, consultant for Industrial Tower and Wireless noted that since the last hearing they have submitted three quotes for the removal of the tower and a memo from IDK explaining that there were no feasible alternatives to the site at 17 River Run Way. Ms. Galinat stated that TMobile and Verizon are the co-applicants/tenants for the tower.

The Board members were satisfied that the information they requested and received was sufficient.

Michael Leary moved for the Board to approve Case No. 4096 subject to the following conditions:

1. If technically feasible in the future, space shall be made available at no cost to the Town of Plymouth for municipal purposes on the tower for antennas and at the base for equipment.
2. The only sign associated with the monopole shall be a small sign required by the FCC identifying the owner of the facility and providing a twenty-four-hour contact number.
3. Any proposed lighting shall utilize LED lights and comply with the Prevention of Light Pollution Zoning Bylaw.
4. A performance guarantee in a cash amount determined by the Building Commissioner that directly ties to the dismantling of the cellular tower and equipment, shall be required in an amount equal to a

documented, verifiable estimate of cost. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year.

5. Prior to issuance of a Zoning Permit evidence of recording of this Special Permit at the Plymouth County Registry of Deeds or the Land Court shall be presented to the Building Commissioner.
6. Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.
7. The site lies within an Area 2 of the Aquifer Protection Zone. The applicant must document the compliance with the Aquifer Protection Bylaw.
8. The applicant must submit drainage calculations conforming to the Town of Plymouth's Drainage Guide and Massachusetts Stormwater regulations.

Kevin O'Reilly seconded; the **vote** was unanimous (5-0).

**Case #4097 Vertex Tower, LLC CONTINUED FROM 6-12-23 and 7-17-23 and 8-7-23.
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 received the following documentation for this review:

Stephen Kelleher, Vertex Tower LLC responded to a question by Mr. Leary that no carrier for this cell tower has been identified. Mr. Kelleher agreed that a condition that no construction can commence until a tenant has been identified and contracted was acceptable and that space would be provided on the tower should the Town request an emergency service antenna be added to the tower.

The Board members were satisfied that the information they requested and received was sufficient.

Michael Leary moved to approve with the following conditions;

1. If technically feasible in the future, space shall be made available at no cost to the Town of Plymouth for municipal purposes on the tower for antennas and at the base for equipment.
2. The only sign associated with the monopole shall be a small sign required by the FCC identifying the owner of the facility and providing a twenty-four-hour contact number.
3. Any proposed lighting shall utilize LED lights and comply with the Prevention of Light Pollution Zoning Bylaw.
4. A performance guarantee in a cash amount determined by the Building Commissioner that directly ties to the dismantling of the cellular tower and equipment, shall be required in an amount equal to a documented, verifiable estimate of cost. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year.
5. Prior to issuance of a Zoning Permit evidence of recording of this Special Permit at the Plymouth County Registry of Deeds or the Land Court shall be presented to the Building Commissioner.
6. Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.
7. The Petitioner shall provide a Determination of No Hazard to Air Navigation letter from the FAA.
8. Prior to issuance of a Building Permit, the Petitioner shall provide documentation from a carrier in their intent to use the structure.
9. The monopole structure shall be designed in case of failure to fall within the subject property boundaries but outside the electrical easement. A structural engineer shall certify that this design requirement has been complied with.
10. The applicant's plans should be stamped by a Registered Professional Land Surveyor since they are showing proposed structure locations relative to property lines.

11. The applicant's plan states "Property line information is compiled from assessor plans, deeds and plans of record and is not to be construed as having been obtained as the result of a field boundary survey, and is subject to change as an accurate field survey may disclose. A full boundary survey was not performed." We highly recommend the applicant perform an actual field survey to confirm accurate property line information and easement locations, along with accurate topography/existing conditions and accurate offsets to the existing property lines from the proposed communication tower.
12. The applicant is proposing work within an existing utility easement, the applicant must get approval from the utility company for all proposed work. Please provide documentation the proposed work is allowed.
13. The applicant must revise the plans to note Cedarhill Park Drive as a private way, it is currently noted as public.
14. The applicant must provide a construction entrance, the first 20' must be paved to protect the existing edge of pavement and prevent sediment from reaching Cedarhill Park Drive/existing catch basin.
15. The applicant must provide a driveway apron detail/construction plan. The proposed driveway entrance location currently has 6" granite curbing around the cul-de-sac area. The applicant must show the removal and resetting of granite curbing as needed. The applicant must show how the curbing will transition to the existing granite header at the existing catch basin adjacent to the proposed driveway location.
16. A Street Opening Permit is required for all projects. The Applicant shall conform to Federal NPDES and State Stormwater Permit requirements prior to construction activities. It is not intended that this approval warrants or certifies any portion of the design. Our review has been limited to conceptual conformity with local regulations. There will not be any forthcoming correspondence unless this office receives additional instruction.
17. The applicant must submit drainage calculation conforming to the Town of Plymouth's Drainage Guide and Massachusetts Stormwater regulations.

Peter Conner seconded; the **vote** was unanimous (5-0).

The meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Approved:

Eileen Hawthorne
Administrative Assistant