

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026**



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DECISION

Applicant: Sprint Spectrum LP, c/o Martin Cohen, HPC Development LLC as agent, 400 Trade Center, Suite 5900, Woburn, MA

Project Address: 55 Ariadne Road

Property Owner: Manfeld Hotel Enterprises

Case #: VAR-02-12-1484

Map/Lot: 148/38

Zoning District: RDO District

Date of Application: January 26, 2012

Date of Hearing: April 25, 2012

Members Present and Voting: James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Jason L. Mammone, P.E., E. Patrick Maguire LEED AP, JH Rumpp, AICP

Applicant Representative: Scott F. Lacy, Esq.

Petition: Modification of an existing wireless communications facility

Section of Zoning By-Law: Town of Dedham Zoning By-Law Sections 8.3 and 9.2

Date of Filing with Town Clerk: **MAY 3, 2012**

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, April 25, 2012, at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present at the hearings were members of the ZBA, James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. In the absence of Member Scott M. Steeves, the Chairman appointed Associate member JH Rumpp, AICP to sit in his place. The hearings and meetings of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:00 p.m. on Wednesday, April 25, 2012, the Chairman called for the hearing on the request of Sprint Spectrum LP, c/o Martin Cohen, HPC Development LLC as agent, 400 Trade Center, Suite 5900, Woburn, MA for a Special Permit to modify an existing wireless communications facility at 55 Ariadne Road, Dedham, MA. *Town of Dedham Zoning By-Law Sections 8.3 and 9.2.*

The Applicant, represented by Scott F. Lacy, Esq., Prince Lobel and Tye LLC, requested that the Zoning Board of Appeals grant the following Special Permit:

- Removal of six (6) CDMA antennas, replaced by three (3) dual mode (800 and 1900 MHz) antennas;
- Removal of two (2) CDMA technology cabinets and two (2) Clearwire cabinets on the existing rooftop steel platform, replaced by one (1) multi-mode radio cabinet and one (1) battery back-up cabinet;

- Removal of CDMA co-axial cables, replaced by hybrid cables;
- Addition of three (3) (one per sector) small 800 MHz remote radio heads (each, an "RRH") and three (3) (one per sector) 1900 MHz RRHs mounted inside the existing screen wall;
- Addition of a fiber distribution box, to be installed adjacent to the proposed radio cabinets.

The following material was submitted by the Applicant:

- ZBA application
- Brief explaining the relief that is being sought
- PCS Site Agreement and Site Description
- Certified title sheet, plot plan, rooftop plan and elevation, equipment cabinet layout and antenna scenario, equipment details prepared by EBI Consulting, 21B Street, Burlington, MA
- GIS map of site
- Photographs of existing conditions and proposed changes

The two page minutes from the hearing are incorporated herein by reference.

Mr. Lacy submitted a package to the Zoning Board of Appeals explaining the specifications and proposals for modification of the wireless at said address. Sprint Spectrum will be upgrading its equipment at 55 Ariadne Road, which is in the Wireless Overlay District. They will be installing new equipment as depicted above. He explained the specifications and equipment that are currently installed, and noted that the number of antennae will be decreased from six (6) to three (3). There will be a new equipment pad, distribution box, and cables as stated. The antenna will be slightly longer.

Upon motion duly made by E. Patrick Maguire, LEED AP and seconded by JH Rumpp, AICP, the ZBA voted unanimously (5-0) to grant the requested Special Permit. In granting said special permit, the ZBA, based upon the testimony before the ZBA and after consideration of the various factors set forth in the Dedham Zoning By-Law, finds that the proposal satisfies the criteria and standards for a special permit in Chapter 40A, Section 9, to wit: that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood.

Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: May 2, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.

JH Rumpp, AICP