

Town of South Hadley

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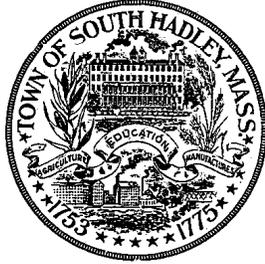
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RICHARD L. HARRIS, AICP
Town Planner

OFFICE OF THE PLANNING BOARD

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NOTICE OF PLANNING BOARD DECISION ON AN APPLICATION FOR A SPECIAL PERMIT AND SITE PLAN REVIEW FOR WIRELESS COMMUNICATIONS FACILITY

- APPLICANT:** Bell Atlantic Mobile of Massachusetts Corporation Ltd dba
Verizon Wireless
99 East River Drive
East Hartford, CT 06108
- REPRESENTATIVE:** Ellen Freyman, Attorney and Authorized Agent
Shatz, Schwartz and Fentin, PC
1441 Main Street
Springfield, MA 01103-1406
- PROJECT LOCATION:** 27 Park Street (generally Clapp Building and Carr Lab Building on
Mount Holyoke College campus)
South Hadley, MA 01075
Assessor's Map #48-Parcel #2 and Assessor's Map #49-Parcel #81
- PUBLIC HEARING:** A public hearing was conducted on April 27, 2015 in accordance
with the South Hadley Zoning By-Law and the Massachusetts General Laws.

OVERVIEW: Applicant requests a Special Permit under Sections 7(S) and 9 of the Zoning By-Law and Site Plan Review under Section 12 of the South Hadley Zoning By-Law to install wireless communications antennas and related cabling and equipment on existing buildings on the Mount Holyoke College campus including Clapp Building and Carr Lab Building. The subject property consists of two tracts totaling 12.5 acres located on the east side of College Street and south side of Park Street. Presently, zoned Residence A-1 and developed with various college buildings, the property is proposed to be used as provided in Section 5(D) and Section 7, Part (S) Wireless Communications Regulations of the Town's Zoning By-Law.

PROJECT DESCRIPTION: Applicant proposes to install a series of panel-type telecommunications antennas and RRHs around the Turret Rooftop of the Clapp Laboratory with cabling and mechanical equipment installed to and over the Carr Lab Building. Other aspects of

the project include, but are not limited to, installation of associated support equipment, cabling, fencing, and equipment cabinets, and utilization and maintenance of the existing driveway, and parking on the subject property.

COMMENTS: The public hearing was held on April 27, 2015. Abutters to the property were notified of the date, time, and location of the public hearing. One person attended the public hearing and inquired about some of the specifics of the proposal including a query as to why it could not locate on the building where other wireless carriers had located. However, they did not voice any objections.

Plans were submitted to the various departments for review and comment. As of April 27, 2015, written responses on the plans were received from the following:

- Janice Stone, Conservation Commission Administrator
- Sharon Hart, Public Health Director
- David Labrie, Police Chief
- David Keefe, Fire District #2 Fire Chief
- Mark Aiken, Fire District #2 Water Superintendent
- Jim Reidy, DPW Superintendent
- Wayne Doerpholz, SHELD Manager

None of the respondents have indicated any objection to or comments regarding the project as proposed.

The Applicant's Authorized Agent stated in the public hearing that she had met with the South Hadley Historical Commission and they indicated that they had no objections.

FINDINGS: Following review of the plans and comments, the Planning Board made findings as follows:

1. Site Plan Review. The Board found the proposed project to be compatible with uses permitted in the zoning district and with the surrounding area. Accordingly, as approved, the Board found that the project reasonably fulfills the objectives specified in Section 12(E) of the Zoning By-Law.
2. Special Permit. Section 9 of the Zoning By-Law requires finding relative to the 12 mandatory criteria listed in Section 9(C). Accordingly, the Planning Board has evaluated the proposed project in relation to the Standards for Special Permits provided in Section 9(C) along with Section 7(S) Wireless Communications Regulations requirements of the Zoning By-Law. The Board's findings relative to the Special Permit are that the project complies with the Specific Standards outlined in Section 7(S) and that the project has a minimal impact relative to any of the mandatory criteria in Section 9(C) and in many cases the project does not relate to the mandatory or optional criteria.

DECISION: At a meeting held on April 27, 2015, by a vote of **Five (5)** out of **Five (5)** members (the Associate Member, Dan Dodge, participated due to the absence of Melissa O'Brien_

present, the Planning Board voted to approve the above-described applications for a Wireless Communications Special Permit and Site Plan Review subject to the following conditions:

1. Limits on Usage. These Special Permit and Site Plan Approvals are to allow for the installation and operation of the wireless communications equipment as described herein and on the plans incorporated into this Decision. Any other additional equipment or operators are prohibited unless reviewed and approved by the Planning Board.
2. Revisions to Plans. The Applicant is to submit to the Town Planner the revised project plans as discussed in the Public Hearing which depicts the correct number of antennae and RRH's – 6 and 9, respectively – and any related changes for this project.
3. Revised Narrative. The applicant is to submit to the Town Planner a revised narrative which reflects the equipment proposed for the project as described and discussed in the public hearing.
4. Historical Commission. The applicant is to provide the Town Planner with a written statement from the South Hadley Historical Commission indicating that the Commission has no objection to the project as proposed.
5. Bond Required. Prior to beginning work, the Applicant must provide a bond satisfactory to the Town pursuant to Section 7(S)9 of the South Hadley Zoning By-Law. The initial level of the bond shall be at least \$41,948 as suggested in the applicant's submittal and provide for annual increases as necessary to comply with Section 7(S)9a of the Zoning Bylaw. If the bond cannot provide for annual increases, prior to applying for a building permit for the project, the applicant must provide an agreement to annually substitute the bond for a new bond which will be at levels increased annually.
6. Waivers. The applicant's request for the following waivers is also approved as noted below:
 - a. *Balloon Test Requirement.* The balloon test required pursuant to Section 7(S)11(b)(10) is waived for this project. The proposed antennae will not extend the peak of the library building. Thus, the existing vegetation will provide screening for this facility. Therefore, it is not reasonable to require a balloon test as specified in the Zoning By-Law.
 - b. *Parking Space.* The requirement to provide one parking space at the facility pursuant to Section 7(S)6(d) is waived for this project. The property currently has sufficient parking spaces to meet the limited need for parking to service this facility. Thus, adding a parking space would unnecessarily require removal of vegetation and addition of less porous surface and detract from the site.
7. Incorporated Materials. The following materials are incorporated into and made a part of this Decision:
 - a. *Project Plans.* The application received by the Town Clerk on April 10, 2015 (including all attachments and plans dated April 1, 2015) as subsequently revised as a result of other conditions included in this Decision.

- b. *Photo Simulations.* The photo simulations submitted at the April 27, 2015 public hearing.
 - c. *Planning Board Minutes.* The minutes from the April 27, 2015 Public Hearing and April 27, 2015 Planning Board meeting.
8. Conditions are Supplemental. The conditions stated herein are supplemental to the provisions of Section 7(S) of the Zoning By-Law, except in regards to the waivers granted under Condition #10. Thus, except as waived in Condition #10, these conditions do not relieve the applicant of the duty to comply with all other provisions of the Zoning By-Law.
 9. Decision Appeal Period. These Special Permit and Site Plan Approvals shall not take effect until:
 - a. A copy of the decision bearing certification of the Town Clerk that twenty (20) days have elapsed 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 Hampshire County Registry of Deeds within twenty (20) days following this certification of the Town Clerk.
 10. Proof of Filing. Proof of the filing in the Hampshire County Registry of Deeds (Condition #9a) must be submitted (1) to the Building Commissioner prior to obtaining a Certification of Occupancy, and (2) to the Planning Board.

STATUS: This Notice of Decision shall constitute an approved Special Permit and Site Plan Review for the above-described project with conditions set forth above. Failure of the applicant to adhere to the provision of this Decision shall constitute a violation of the Zoning By-Law, and is punishable by a fine of up to \$200.00 for each violation. Each day that such violation continues shall constitute a separate offense.

FILING AND APPEAL OF DECISION: Copies of this decision have been filed with the Town Clerk and Planning Board. Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40-A, Section 17, and shall be filed within twenty (20) days after the date of filing of this NOTICE in the office of the Town Clerk.

EXPIRATION OF APPROVALS:

1. Site Plan Approval. Pursuant to Section 12(G) 2 of the Zoning By-Law, the Site Plan Approval granted herein shall lapse at the end of one (1) year after approval if work has not commenced, except where an extension of time for good cause has been granted by the Planning Board.
2. Special Permit. The Special Permit Approval granted herein shall expire if the work or change involved is not commenced within one (1) year of its taking effect, and if the work or change is not substantially completed within two (2) years. An extension of time for good cause may be granted by the Planning Board acting as the Special Permit Granting Authority.

ATTESTED AND AFFIRMED

S/ _____

Jeff Squire, Chairman
South Hadley Planning Board

April 29, 2015
Date

Cc: Town Clerk (Date Filed: _____)
Bell Atlantic Mobile of Massachusetts Corporation, LTD
dba Verizon Wireless
Ellen Freyman, Esquire
Mount Holyoke College
Town Administrator/Selectboard
Building Commissioner
South Hadley Historical Commission