



TOWN OF HINGHAM

Board of Appeals

RECEIVED

AUG 07 2024

Town Clerk
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant: Cellco Partnership d/b/a Verizon Wireless
Owner: Nynex
P.O. Box 2749
Addison, TX 75001

Property: 30 Green Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 2515, Page 347

Plan References: "Verizon Wireless - Hingham 6 - MA 30 Green Street, Hingham, MA 02043,"
Plan Set, prepared by Dewberry Engineers, Inc., 99 Summer Street, Suite
700, Boston, MA 02110, revised through March 5, 2024 (18 Sheets);

Radio Frequency and Propagation Report, prepared by C Squared Systems,
LLC, 65 Dartmouth Drive, Auburn, NH 03032 (17 sheets).

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Cellco Partnership d/b/a Verizon Wireless (the "Applicant") for a Special Permit A1 under Section V-E 4(b) of the Zoning By-Law (the "By-Law"), and such other relief as necessary, for a personal wireless facility to be installed on and within a non-residential Host Structure in Business A and Downtown Overlay Districts.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on July 30, 2024 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of Paul K. Healey, Acting Chair, Jed Ruccio, and Michael Mercurio, Associate Member. The Applicant's representatives, Michael S. Giaimo and Madeleine M. Laffitte, of Robinson & Cole LLP made the presentation of this application. At the conclusion of the application review, the Board voted unanimously to grant the requested Special Permit A1 with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION

The subject property consist of 23,087 SF and is located in Business District A, and the Downtown Overlay District and is owned by Verizon Wireless / Nextel. The building is an existing non-residential structure (ca. 1957) that is appropriately located and tall enough to make it suitable for a personal wireless facility that can address the need for additional capacity and coverage in this area.

The proposed facility will consist of three arrays of four antennas each (12 antennas total). Four of the antennas will be mounted on steel frames placed on the roof and surrounded by fiberglass stealth "canisters" to conceal the antennas from view. Four other antennas will be mounted to the façade of one existing rooftop penthouse and the remaining/four antennas mounted on the facade of the existing elevator penthouse will be placed on the facade of the existing rooftop equipment penthouse. Radio equipment will be mounted behind each array of antennas. A small GPS antenna will be mounted to the West wall of the building as well as electric boxes and conduit within a cable tray that is painted to match the wall. The conduit will connect the rooftop antennas and radio equipment to a dedicated Verizon Wireless equipment space within the first floor of the existing building.

The applicant filed a Radio Frequency and propagation report in support of the application. The report states that *"Verizon Wireless has determined that much of Northern Hingham is without reliable service in the following areas..., including, but not limited to: Route 3A (Otis Street / Chief Justice Cushing Highway), Summer Street, Water Street, Rockwood Road, Bathing Beach and Southern end of Hingham Harbor and the surrounding roads, neighborhoods, businesses, and community areas in the proximity of the proposed site. The proposed site located at 30 Green Street is needed to fill in these targeted gaps in service in order to improve network quality and reliability for Verizon Wireless subscribers traveling along these roads, as well as to the numerous residents, businesses, and visitors in this area"*.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2 and Section V-E 4(b).

- a. **Use of the site is in harmony with the general purpose and intent of the Zoning By-Law.** The proposed Personal Wireless Service Facility is allowed in the Business A and Downtown Overlay Districts under a Special Permit A1, and the use is controlled and regulated as not to adversely affect the health, safety and welfare of the neighbors or Town generally. The installation of the Personal Wireless Service Facility will provide necessary cell service to the Town.

- b. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law.** The Personal Wireless Service Facility as proposed complies with sections §§§ V-E. 4(b), V-E.8 and V-E.10 of §V-E.
- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area.** The site is located in Business A, and the Downtown Overlay District. The building currently houses Verizon fiber and power sources necessary for service at the site. The proposed use is similar to and consistent with the established use currently on the site.
- d. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law.** The proposed location in North Hingham has poor cell service. The addition of his Personal Wireless Service Facility will improve cell reception for residents and visitors who utilize Verizon cell services and public safety. The facility will be placed on the roof and its components camouflaged to mitigate any adverse visual impact in the neighborhood.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians.** The Personal Wireless Service Facility will be located on the roof and inside the three-story structure and thus will not impact vehicles or pedestrians in the area. The Personal Wireless Service Facility is unmanned and so it will not generate any additional traffic.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** The building is three-stories and abuts other businesses in the area. The building's height provides an ideal location for the Personal Wireless Service Facilities that will improve cell service in North Hingham.
- g. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** There will be no changes to the design or function of the existing building. There will be no changes to the site, and therefore no impact on stormwater management or other site features.

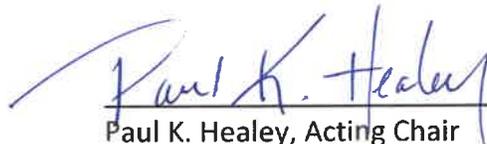
DECISION

Upon a motion made by Jed Ruccio and seconded by Michael Mercurio, the Board voted unanimously to GRANT the application of Celco Partnership d/b/a Verizon Wireless for a Special Permit A1 under § V-E 4(b) of the Zoning By-Law, and such other relief as necessary, to install a Personal Wireless Service Facility at 30 Green Street in Business District A and the Downtown Overlay District, subject to the following conditions:

1. The work shall be completed in accordance with the approved plans, applicable provisions of the Zoning By-Law, and the representations made during the public hearing.

2. The Personal Wireless Service provider shall continuously insure the Personal Wireless Service Facilities against damages to persons or property in an amount established by the Board based upon the nature and extent of the proposed Facility. On an annual basis, the Personal Wireless Service provider shall provide a Certificate of Insurance, in which the Town shall be specifically listed as an additional insured, to the Town Building Commissioner.
3. Unless an earlier expiration date is specified by the Board of Appeals in the Special Permit, all Special Permits for Distributed Antenna Systems shall expire automatically ten years from the date of issuance. Prior to expiration the Applicant may apply for successive ten-year renewals, subject to a public hearing process. In determining whether the Special Permit shall be renewed, the Board shall take Hingham Zoning By-Law into consideration whether there then exists any structures and/or technology available to the Applicant which would enable the Applicant to provide functionally equivalent services in a less intrusive manner.
4. Towers and/or Personal Wireless Service Facilities must at all times be maintained in good and safe condition. The Personal Wireless Service provider shall arrange for a professional structural engineer licensed in Massachusetts to review the Tower and/or Personal Wireless Service Facilities and any accessory buildings every five (5) years to certify these structures and Facilities are in sound condition. A report of the engineer's findings shall be filed with the Town Building Commissioner at the completion of construction and by February 28, of the fifth year of operation of the Facility. All costs for the inspection shall be borne by the Applicant. Should the engineer deem the structure or Facility not to be sound, the owner of the Facility shall submit to the Town, within ten (10) business days, a plan to remedy the structural defect(s). Upon approval of the plan by the Building Commissioner, the remediation plan shall be completed as soon as is reasonably possible.

For the Board of Appeals,



Paul K. Healey, Acting Chair
August 7, 2024

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) 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 an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.