



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 120

Case #:
SP-2022-06

CERTIFICATE OF DECISION SPECIAL PERMIT

Approval Date: *****

Project Name: Verizon Wireless Communications Tower

Location of Project: 148 West Street, Ware

Assessor's Reference: 56-0-102

Deed Reference: 5724/101

Zoning District: Highway Commercial (HC)

Total Acreage: 8.6 acres

Type of Use: Wireless Communications Facility

Building Area: N/A

Applicant: Cellco Partnership d/b/a Verizon Wireless
c/o Gehring & Associates, LLC
P.O. Box 98, West Mystic, CT 06388

Owner: Big Y Foods, Inc.
P.O. Box 7840, Springfield, MA 01102

Plans Prepared by: Hudson Design Group, LLC (Daniel P. Hamm, P.E.)
45 Beechwood Drive, North Andover, MA 01845
Northeast Survey Consultants (Daniel F. Stasz, P.L.S.)
116 Pleasant Street, Suite 302, Easthampton, MA 01027

Plans Dated: No Date

Application Date: April 14, 2022

Public Hearing: May 19, 2022; Continued to June 2, 2022

PB Members: Richard Starodoj, Chair; Edward J. Murphy III, Vice-Chair;
Nancy J. Talbot, Clerk; Kenneth Crosby; Elizabeth Hancock,
Alternate

PB Action: **Approved with conditions; see below.**

Summary Description of Application:

The applicant seeks a special permit to install a new wireless communications facility tower and equipment compound at 148 West Street. The Tower will be 130 feet in height while the equipment compound will have a fenced in perimeter of 2500 square feet. According to the applicant, the site is necessary in order to replace an existing wireless site that will be lost when the Mary Lane Hospital building is decommissioned.

Special Permit Findings:

1. After the public hearing duly noticed and held, the Ware Planning Board found, as required by MGL Chapter 40 A., Sec. 9, that the proposal is consistent with the terms of section 7.2.4 of the Ware, Massachusetts, Zoning Bylaws. These findings are based on the application documents presented.
2. The proposal is in harmony with the general purpose and intent of this Bylaw and it will not be detrimental to the health, safety or welfare of the neighborhood or the Town.
3. The proposal is compatible with existing uses and development patterns in the neighborhood and will be harmonious with the visual character of the neighborhood in which it is proposed.
4. The proposal will not create a nuisance to the neighborhood due to impacts such as noise, dust, vibration, or lights.
5. The proposal will not create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site.
6. The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.
7. The proposal will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the proposed use or any existing use will be unduly subjected to hazards affecting health, safety, or the general welfare.
8. The proposal minimizes environmental impacts including erosion, siltation, changes to ground and/or surface water levels (quantity), or changes to ground or surface water quality.

Based on these findings, the Ware Planning Board, as Special Permit Granting Authority pursuant to Section 7.2.4 of the Ware Zoning Bylaw, voted ***** to grant the Special Permit to install a new Wireless Communications Facility Tower and Equipment Compound at 148 West Street, as previously described, with the following conditions:

1. The hours of operation for the generators shall be between 8am to 5pm, Monday through Friday. Any emergencies that arise can exceed these hours of operation;
2. Prior to the operation of the Wireless Communications Facility Tower, the applicant shall provide the Director of Planning & Community Development with a cost estimate from an Engineer, licensed in the Commonwealth of Massachusetts, for the removal of the Wireless Communications Facility Tower, Equipment Compound, and for Site Restoration. Upon the

satisfaction of the Director of Planning & Community Development, the applicant shall furnish a decommissioning bond in the amount generated from the cost estimates provided, which shall be reviewed every five years by the Planning Board. It is the Applicant's responsibility to request said meeting with the Planning Board and to provide updated cost estimates (for the removal of the Wireless Communications Facility Tower, Equipment Compound, and for Site Restoration) from an Engineer, licensed in the Commonwealth of Massachusetts, every five years. It is also the Applicant's responsibility to renew said decommissioning bond to ensure it is continuously active throughout the operation of the Wireless Communications Facility Tower;

3. The applicant shall provide for the installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, or welfare of the Town or of the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land;
4. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to and all necessary permits be obtained;
5. The Applicant will comply with all laws, regulations and requirements of the Town of Ware, Commonwealth of Massachusetts, and the United States of America, the strictest of which shall prevail;

[Signatures on next page]

Ware Planning Board:

Richard Starodoj, Chair

Edward J. Murphy III, Vice-Chair

Nancy J. Talbot, Clerk

Kenneth Crosby

Elizabeth Hancock, Alternate

Date filed with Town Clerk:

Decision to be endorsed no earlier than:

Certificate of No Appeal

No notice of Appeal was received by the Town Clerk during the 20 day appeal period.

Town Clerk

Date

Notes:

1. A copy of this decision is on file with the Town Clerk of the Town of Ware, Town Hall, 126 Main Street, Ware, MA 01082.
2. This decision is subject to appeal in accordance with MGL c. 40A §17 within 20 days after this decision is filed with the Ware Town Clerk.
3. This Special Permit shall not become effective until it has been recorded at the Hampshire District Registry of Deeds.
4. This Special Permit shall be valid for a period of two years from the date it is available for filing at the Hampshire District Registry of Deeds.
5. The minutes for this meeting are a part of the detailed record as required by MGL c. 40A §9.