

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



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DECISION

Applicant:	Sprint Spectrum L.P. c/o Prince Lobel (Scott Lacy), 1 Robbins Road, Westford, MA 01886
Project Address:	30 Eastbrook Road
Property Owner:	125 East Street Condominium Trust
Case #:	VAR-04-12-1514
Map/Lot:	77/9/1
Zoning District:	Highway Business
Date of Application:	April 13, 2012
Date of Hearing:	May 16, 2012
Members Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Applicant Representative:	Scott Lacy, Esq., Prince Lobel Tye LLP, 100 Cambridge Street, Boston, MA
Petition:	To be allowed a Special Permit to modify an existing wireless communication facility
Section of Zoning By-Law:	<i>Sections 8.3 and 9.2</i>
DATE OF FILING WITH TOWN CLERK:	JUNE 7, 2012

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, May 16, 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, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. 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, May 16, 2012, the Chairman called for the hearing on the request of Sprint Spectrum L.P., c/o Prince Lobel (Scott Lacy), 1 Robbins Road, Westford, MA 01886, for a Special Permit to modify an existing wireless communication facility at 30 Eastbrook Road, Dedham, MA. The applicant was represented by Scott Lacy, Esq., of Prince Lobel Tye LLP.

The one-and-a-quarter page minutes from the hearing are incorporated herein by reference.

The Applicant presented the following information to the Board:

- ZBA application
- Letter of authorization from the owner
- Support Statement
- Photo simulations
- Certified Plot Plan

The Subject Property is known and numbered as 30 Eastbrook Road, Dedham, MA, and is shown on Dedham Assessors' Map 77 Lot 9/1. The certified plot plan indicates that the Subject Property contains approximately 154,953 square feet of land. According to the Dedham Zoning Map, the Subject Property is located in the Highway Business Zoning District. Currently, the Subject Property is occupied by a business condominium. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1985.

The Applicant states that there is currently a stealth screen in place and a small white flagpole measuring 16 inches. They propose to remove the antennae in the flagpole and replace them with three (3) new 1900/900 MHz panel antennae and six (6) remove radio heads (RRH) on a proposed screen wall. They also propose to replace one of the cabinets behind the stealth screening, and to add a PVC cabinet behind the stealth screening with New Vision equipment. They will also replace hybrid cable and the GPS antenna that are behind the stealth screening. Nothing will be visible. The only real change to the facility is that the flagpole will increase to 26" wide.

No one appeared before the Board to oppose or support the petition.

Upon motion duly made by E. Patrick Maguire, LEED AP and seconded by Scott M. Steeves, the ZBA voted unanimously 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: June 7, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.