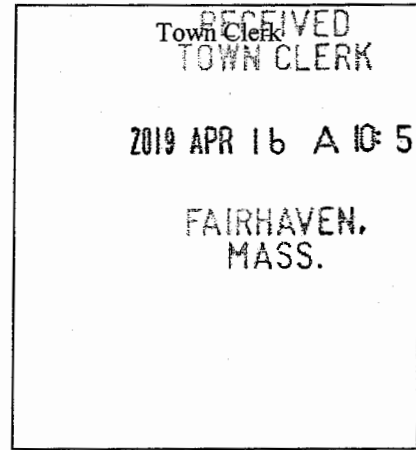




Town of Fairhaven, MA
Department of Planning
and Economic Development
40 Center Street
Fairhaven, MA 02719
508.979.4023



I certify that 20 days have elapsed since the date of filing with the Town Clerk and no appeal and no revisions have been made since the date of filing.

Date: _____

 Carolyn Hurley, Town Clerk

The Fairhaven Planning Board as required by Massachusetts General Laws Chapter 40A Section 9 and Town of Fairhaven Zoning By-Laws Section 198-29.1 requiring Special Permit review held Public Hearings on March 26, 2019 and April 09, 2019.

PETITIONER: Cellco Partnership d/b/a Verizon Wireless
 c/o Duval & Klasnick LLC
 210 Broadway, Suite 204
 Lynnfield, MA 01940

UTILITY POLE OWNER: Eversource Energy d/b/a NSTAR Electric
 One Star Way
 Westwood, MA 02090

LOCATION: Located on Utility Pole #43216 in the Town Right-Of-Way on Fort Street, adjacent to 6 Fort Street, Fairhaven, MA 02719, for Verizon Wireless, FAIRHAVEN SC07 MA prepared by Advanced Engineering Group, P.C. with a last revision date of 08/09/2017 prepared by Advanced Engineering Group (AEG), P.C. consisting of five (5) sheets].

PETITION: PL19-017. The applicant, Cellco Partnership d/b/a Verizon Wireless, requests a Special Permit application, to locate Small Cell Equipment on Eversource utility pole #43216. The proposed Small Cell infrastructure will feature one (1) 12.0" x 38.7" cylindrical antenna mounted at the top height of 25.9', two (2) Remote Radio Heads, and associated wires, cables,

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meter and diplexers, on a 33' tall utility pole, as shown on plans entitled, Fairhaven SC07 MA. The system resembles a common electric transformer. The purpose of the project is to enhance system performance and provide 4G LTE service to areas where this service is currently unavailable or unreliable because the signal is dissipated by the distance from the nearest macro facility, obstructed by the intervening terrain, or diverted by high demand closer to the macro facility.

The applicant submitted drawings and plans in support of its application for Special Permit, as prepared by Advanced Engineering Group, P.C. which detailed specifications of the proposed small cell equipment installation on the existing utility pole. Therefore, the applicant asked the Planning Board to make a determination that all standards and requirements of site plan review [lot dimensions, easements, location & size of existing structures within 100 feet of the site, name, width and condition of abutting streets, topography, drainage plan, landscaping plan, architectural elevation drawings, etc.] not apply, due to the scale of the installation of the small cell equipment on the existing utility pole.

FINDINGS:

The Planning Board reviewed case submittal documents and made findings related to this proposed project.

- The Application for Special Permit; Certified Abutters' List; Narrative; Letter of Authorization from Eversource; Site Plan, Drawings and Specifications; Utility Pole #43216 photograph; FCC License to Operate reference copy; Radio Frequency Affidavit signed by Electrical Engineer with Coverage Maps; Radio Frequency Compliance Study prepared by Donald L. Haes, Jr., Ph.D., CHP; and example of a Small Cell Pole Attachment Photograph were submitted for review and compliance with the Town of Fairhaven Zoning Bylaw § 198.29.1. Communications services.

- § 198.29.1.A(1) Meets minimum requirements for minimizing harm to public health from associated health hazards and visual impacts. § 198.29.1.A(1) Meets minimum requirements for minimizing harm to public health from associated health hazards and visual impacts.
- § 198.29.1.A(2) Meets minimum requirement. Limited nearby taller structures.
- § 198.29.1.B(1) Meets requirement by alternative side-mounting antenna. Complies with maximum height of (RA) District.
- § 198.29.1.B(2) Application deemed complete.
- § 198.29.1.B(3-12) Not applicable in this type of installation.
- § 198.29.1.B(13) Color of Antenna is not indicated, but must be neutral, non-reflective.
- § 198.29.1.C (1-2) Not applicable in this type of installation.
- § 198.29.1.C (3) Applicant must agree to provisions of removal at applicant's expense.

Subject to these findings and the conditions set forth herein, the Planning Board found that the project as proposed was consistent with the general purpose and intent of the Fairhaven Zoning Bylaw so that these services may be provided with minimal harm to the public health, safety, and general welfare, and that the grant of the special permit is in the public interest for the public purpose.

Furthermore, the application met the criteria for review and approval for Communications Services as stipulated under Section: 198.29.1.D. (1) (a):

- [1] The location of the device is suitable and that the size, height, and design are the minimum necessary for that purpose.
- [2] Antenna is not proposed to be mounted on an historic federal or state registered structure.
- [3] The applicant demonstrated a good faith effort to survey all existing structures that may be feasible sites for mounting or collocation.
- [4] The small cell equipment complies with Federal and State aviation safety requirements.

The intent of the performance standards of Section 198-24 [Noise, Litter and Smoke Standards] will be met; the proposed use will not adversely affect the continued operation or development of adjacent uses; the proposed use will not create a nuisance or hazard.

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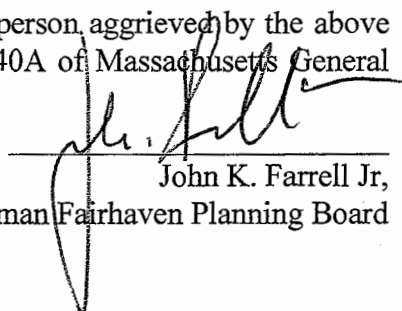
ACTION: Petition **DENIED** by vote of five (5) to two (2) to approve the Special Permit with the following seven (7) conditions.
Those in favor: Wayne Hayward, Jeffrey Lucas, John K. Farrell, Jr, Rene Fleurent, Jr, John Malispino. Cathy Melanson Absent.
Those in opposition:
Ann Richard (Visual Impacts, Failed to survey other nearby structures)
Geoff Haworth (Ice and Snow, Maintenance schedule, Decommissioning, Moving of streetlight).

Conditions:

1. All site development shall be carried out in accordance with the plan set marked "Exhibit 2". (On file at Town Hall).
2. Except as expressly allowed by this Special Permit, or by any other lawfully granted special permit, the applicant shall comply with all other applicable laws, including, but not limited to, the procedural, dimensional and use provisions of the zoning by-law.
3. Any modification to this site plan [and Special Permit approval] would require the applicant to come before the Planning Board for review.

4. Should the existing utility pole have a street light on it, the applicant shall be responsible, at their cost, to hire the Town of Fairhaven's street lighting contractor and coordinate with the Town to relocate the street light on to the new pole.
5. Building and Electrical permits must be secured for each utility pole which is having an electric meter and prior to any pole installation. All electrical work performed on the pole shall be done by a State of Massachusetts licensed electrician. For further information regarding building/electrical permits and/or related building/electrical code issues, please contact the please contact the Building Department.
6. Special Permit approval shall be void after two years from the date of approval unless a substantial use thereof or construction has begun.
7. After the 20-day appeal period and if no appeal is filed, a certified copy of the Special Permit Decision from the Town Clerks Office shall be recorded by the applicant/owner at the applicant/owner's expense in the Bristol County (S.D.) Registry of Deeds, indexed in the grantor index under the name of record owner and noted on the owner's certificate of title. The applicant/owner shall submit to the Planning Department proof of such recording.

A copy of this Decision will be filed with the Town Clerk of Fairhaven and the Fairhaven Building Commissioner. Within twenty (20) days of filing, any person aggrieved by the above Decision may appeal in accordance with Section 17 of Chapter 40A of Massachusetts General Laws.



 John K. Farrell Jr,
 Chairman Fairhaven Planning Board

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Exhibit List

Exhibit #0	Special Permit Application	Daniel D. Klasnick, Attorney at Law
Exhibit #1	Letter of Authorization	Eversource Energy (NSTAR) use of Pole
Exhibit #2	Site Drawings	A.E.G., P.C. sheets 1-5 dated 08/09/2017
Exhibit #3	Utility Pole Photograph	Similar utility pole installation
Exhibit #4	FCC License to Operate	WQJX455 & KNLH242
Exhibit #5	RF Affidavit and Coverage Map	Keith Vellante - RF Engineer
Exhibit #6	RF Compliance Study	Donald L. Haes, Jr., Ph.D., CHP
Exhibit #7	Small Cell Pole Photograph	6 Fort Street Utility Pole #43216