



**Town of East Bridgewater  
ZONING BOARD OF APPEALS  
175 Central Street  
East Bridgewater, MA 02333  
(508)378-1607 phone (508)378-1628 fax**

RECEIVED  
AUG 14 2019

**MEETING SUMMARY - REGULAR MONTHLY MEETING  
WEDNESDAY, AUGUST 7, 2019**

**Members Present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Robert T. Looney, Chairman - 8/1990 | <input type="checkbox"/> Gregg Heger, Alternate - 6/2012                  |
| <input type="checkbox"/> Gerry Leavitt, Vice Chairman - 3/2006          | <input checked="" type="checkbox"/> James A. Ross, Jr. Alternate - 7/2017 |
| <input checked="" type="checkbox"/> Kevin C. Marchant, Clerk            | <input type="checkbox"/> Patrick Franey, Building Commissioner            |

**7:00 Public Hearing for a VARIANCE  
9 Holly Lane, Thomas R. Libby, Owner/Applicant**

- Exhibit I** - Zoning Permit Application Plan prepared by Land Planning, Inc. and prepared for Thomas R. Libby dated 7/16/19;  
**Exhibit II** - Front, side and rear elevation plans;  
**Exhibit III** - Proposed floor plan for addition;  
**Exhibit IV** - 10 photos of the property.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 7:05 P.M. Robert Looney, Chairman; Kevin Marchant, Clerk and James Ross, Alternate were present and sat on the hearing. Mr. Libby was present and represented himself at the hearing. **M/J. Ross, S/K. Marchant to waive the reading of the public hearing notice, unanimously voted.** The applicant is requesting a **VARIANCE** as set forth under **SECTION 6.A. LOCATION** of the Town of East Bridgewater Zoning By Law to allow construction of a 20' X 30' addition to come 5 feet from the side property line for the property located at 9 Holly Lane. According to Zoning By Law Section 6.A. requires a side yard setback of 25 feet, consequently the Applicant is seeking relief of 19.1 feet from the requirement. Close public hearing 7:15 p.m. **M/K. Marchant, S/J. Ross UNANIMOUSLY APPROVED to allow construction of the requested addition to come no closer than 10 feet from the side property line located at the rear corner of the proposed addition (not 5.9) as shown on Exhibit I.** \*please see decision for conditions\*

**7:15 Public Hearing for a VARIANCE  
Vertex Tower Asset, LLC - Parisi Law Associates, P.C.  
Assessor's Map 29, Block 51 Plymouth Street**

- Exhibit I** - Plan prepared by ProTerra Design Group, LLC dated 06/18/19 and prepared for Vertex Tower Assets, LLC;  
**Exhibit II** - Letter of Authorization, Cary M.L. Whitmore and Julie B. Whitmore;  
**Exhibit III** - Project Narrative from Francis D. Parisi, Esq., Parisi Law Associates, P.C.;  
**Exhibit IV** - TOWAIR (FAA Analysis re No Hazard to Air Navigation);  
**Exhibit V** - Affidavit of Site Acquisition Specialist;

**Exhibit VI** – Affidavit of RF Engineer and RF Coverage Maps;  
**Exhibit VII** – Site Emissions Report.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 7:25 p.m. Robert Looney, Chairman; Kevin Marchant, Clerk and James Ross, Alternate were present and sat on the hearing. Francis Parisi was present and represented the applicant. James Ross read the public hearing notice. The applicant is requesting a **VARIANCE** as set forth under SECTION 5.W.(2) Wireless Communication Facilities and/or 5.H.(3)(a) Specifically Prohibited Uses and Section 6.A. Location of the town of East Bridgewater Zoning By Law. In addition, because the proposed Facility will be located within the Business 3 (B-3) Zoning district in which Table 6.A. of the Zoning By Law imposes a 40' height restriction, the applicant also requested a **VARIANCE** from the height restriction of Table 6.A. to permit construction and operation of 100' tall lattice style tower (110' to top of highest appurtenance). In addition, Table 6.A. to permit construction and operation of the Facility as proposed. The Zoning By Law does not provide for the grant of so-called "use" variances by the Zoning Board of Appeals. Nevertheless, this Board must also consider this application not only pursuant to the provisions of Mass General Laws c. 40A but also must consider the provisions of the Telecommunications Act of 1996 (TCA). The TCA "recognizes that locate zoning boards have primary authority over decisions regarding the placement, construction, and modification of personal wireless facilities in their respective municipalities." However, the TCA does impose significant limitations on the municipality's authority. Accordingly this Board must not discriminate among providers of functionally equivalent services, or prohibit or have the effect of prohibiting personal wireless services throughout the town. The Board interprets the TCA as prohibiting it from making any determination that if one carrier has coverage throughout the town then all carriers shall have such coverage. On the contrary, the Board rules that if one carrier lacks significant coverage in an area of town, the TCA requires that carrier must be allowed to provide coverage in that area in order to compete with other carriers. Otherwise, the town could be considered to having the "effect of prohibiting wireless services in that area of town". The Board rules that the coverage gap in the Plymouth Street area is significant coverage gap in wireless network which must be allowed fill and that the location of proposed tower is the most appropriate facility to remedy the coverage gap. Close public hearing 8:10 p.m. **M/K. Marchant, S/J. Ross, UNANIMOUSLY APPROVED VARIANCES to allow construction of a wireless communication tower as Shown on Exhibit I, a. 125 foot frontage requirement, b. 40 foot height requirement in a Business 2 zoning district to 100 feet and c. Allow Wireless Communication town in a Business 3 Zoning District.**

\*please see decision for conditions\*

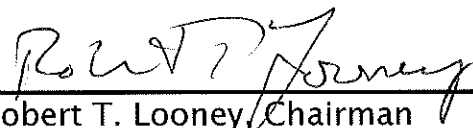
**7:30 Public Hearing for a VARIANCE  
494 N. Bedford Street Russ Mills, Owner/Applicant**

**Exhibit I** – Carport is located in the location as hand drawn on an As-Built Foundation plan prepared by Silva Engineering Associates, P.C. dated 10/11/03 and prepared for Russell Mills;  
**Exhibit II** - A picture of the existing carport.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 8:15; Robert Looney, Chairman; Kevin Marchant, Clerk and James Ross, Jr., Alternate were present and sat on the hearing. Russell Mills was present and represented himself at the hearing **M/K. Marchant, S/J. Ross, Jr. to waive the reading of the public hearing notice,**

**unanimously voted.** The applicant is requesting a **VARIANCE** as set forth under **SECTION 6.A. LOCATION** of the Town of East Bridgewater Zoning By Law to allow 18' X 32" carport to come 5.7 feet from the rear **PROPERTY** line for the property located at 494 North Bedford Street. Board had a concern with the shipping container located to the rear of the carport. Continued public hearing to September 4, 2019.

**Other:** Adjourn Wednesday, August 7, 2019 meeting at 8:45 p.m., M/K. Marchant, S/J. Ross  
**UNANIMOUSLY APPROVED.**

  
Robert T. Looney Chairman

12/4/19

Date