



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: June 9, 2016**

**PETITION NO: #4644**

**HEARING DATE: May 26, 2016**

**PETITIONER: Cellco Partnership d/b/a Verizon Wireless**

**PROPERTY: Existing Utility Pole NET & T Co. #22/39 located in public right of way adjacent to 329 South Shore Road, Yarmouth  
Map: 26 Lot: n/a Zoning District: R-25  
Book/Page: n/a**

**MEMBERS PRESENT AND VOTING: Steven DeYoung Chairman, Bryant Palmer, Doug Campbell and Dick Martin.**

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petition was presented by Elizabeth F. Mason, Esq. of McLane Middleton PA, Gregory Costello of Verizon Wireless and Daniel Goulet of CSquared Systems on behalf of Cellco Partnership d/b/a Verizon Wireless ("VZW") concerning VZW's petition to install, operate and maintain Small Cell and Cloud Radio Access Network ("CRAN") wireless communication antennas and supporting equipment to be mounted to Existing Utility Pole NET & T Co. #22/39, which is located in the public right of way adjacent to 329 South Shore Road, Yarmouth, in an R-25 Zoning District.

Essentially, the proposed installation will primarily consist of a 38.7-inch tall canister antenna, which will be mounted atop the utility pole. The antenna resembles a traditional electric transformer similar to those already located on utility poles throughout the area. Additional supporting equipment (including a remote radio head, electrical junction box and meter, and fiberoptic and power connections) will be mounted to the exterior of the pole, resulting in a self-contained antenna facility without the need for further infrastructure.

The Board unanimously concurred that the Petition meets the criteria under Section 408 of the Town of Yarmouth Zoning Bylaw ("Bylaw") for a Special Permit. The Board further unanimously concurred that VZW has satisfied the requirements of Section 408.4.1 of the Bylaw with respect to its requests for waivers from Sections 408.6.2.5 and 408.6.2.5 (regarding Town-wide maps showing existing and proposed future Personal Wireless Service Facilities in the Town), Sections 408.6.3.3 (regarding siting elevations), Section 408.6.4 (regarding Design Filing Requirements).

Mr. Palmer made a Motion to approve without conditions, seconded by Mr. Campbell. On this Motion, the Board voted unanimously in favor.

**No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)**

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Steven DeYoung, Chairman