

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

James F. McGrail, Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.



Dedham Town Hall  
26 Bryant Street  
Dedham, MA 02026-4458  
Phone 781-751-9242  
Fax 781-751-9225

Susan Webster  
Administrative Assistant  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

Associate Members  
Jessica L. Porter  
Jared F. Nokes, J.D.

**ZONING BOARD OF APPEALS**  
**DECISION**

2018 JAN 10 PM 3: 21  
CLERKS OFFICE  
TOWN OF DEDHAM

**Applicant:** Cellco Partnership, d/b/a Verizon Wireless, One Verizon Way, Basking Ridge, NJ 07920-1097

**Property Address:** 387 Washington Street, Dedham, MA

**Property Owner:** New England Tel & Tel Co (Verizon New England)

**Property Owner Address:** c/o Duff & Phelps, P.O. Box 2479, Addison, TX 75001

**Applicant Representative:** Tyler Haynes, McLane Middleton, 900 Elm Street, P.O. Box 326, Manchester, NH 03105-0326

**Legal Notice:** To be allowed a Special Permit and variance as necessary to install wireless communication equipment  
To be allowed

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 8.3.4* Town of Dedham Zoning Bylaw

**Zoning District, Map and Lot:** Central Business, Map 108, Lot 65

**Date of Application:** October 13, 2017

**Date of Public Hearing:** November 15, 2017, December 13, 2017

**Date of Decision:** December 13, 2017

**Vote:** 4-0, unanimous approval

**Voting Members:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E., Jared F. Nokes, J.D. Jessica L. Porter

**Date Filed with Town Clerk:** **JANUARY 10, 2018**

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on Wednesday, November 15, 2017, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were Members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, and Scott M. Steeves. In the absence of Jason L. Mammone, P.E., the Chairman appointed Associate Member Jessica L. Porter to sit in his place.

At 7:05 p.m., the Chairman called for the hearing on Cellco Partnership d/b/a Verizon Wireless, One Verizon Way, Basking Ridge, NJ 07920-1097, to be allowed a Special Permit and variance as necessary to install wireless communication equipment. The property is located at 387 Washington Street, Dedham, MA, and is in the Central Business zoning district. *Town of Dedham Zoning Bylaw Section 8.3.4*

The hearings were duly advertised for two consecutive weeks in the *Dedham Times* in accordance with the requirements of MGL Chapter 40A, Section 11 and the Town of Dedham Zoning Bylaw. Notices of the hearing were sent to abutters within 300 feet of the property in question on October 20, 2017, and October 27, 2017. Notification of the hearing was sent to the neighboring towns, Boston, Needham, Canton, and Westwood. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

Mr. Maguire recused himself from this hearing because he is an abutter. Mr. McGrail informed the Applicant that there would only be four voting members for the hearing, and he would need a unanimous 4-0 vote. The Applicant was given the option of continuing the hearing until the next month; he chose to continue.

The Applicant had submitted an Application for a Special Permit/variance on October 13, 2017. This included:

- Zoning Board of Appeals application
- Project Narrative prepared by Tyler P. Haynes, McLane Middleton, 900 Elm Street, P.O. Box 326, Manchester, NH 03105-0326
- Photographs of existing conditions at 387 Washington Street dated June 25, 2015
- RF Report dated October 3, 2017, prepared by Keith Vellante, RF Engineer, C Squared Systems, LLC, 65 Dartmouth Drive, Auburn, NH 03032
- FCC Communications Commission Radio Station Authorization
- Structural Analysis Report dated June 14, 2017, prepared by Hudson Design Group, 1600 Osgood Street, Building 20N, Suite 3090, North Andover, MA 01845
- Beta Sector Calculations prepared by Hudson Design Group, 1600 Osgood Street, Building 20N, Suite 3090, North Andover, MA 01845

- Report from Donald L. Haes, Jr., PhD, CHP, Radiation Safety Specialist, P.O. Box 198, Hampstead, NH 03841
- Plot Plan prepared by Hudson Design Group, 1600 Osgood Street, Building 20N, Suite 3090, North Andover, MA 01845

- Proposed Conditions dated June 25, 2015

The Applicant was represented by Tyler P. Haynes, McLane Middleton, 900 Elm Street, P.O. Box 326, Manchester, NH 03105-0326. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 387 Washington Street, Dedham, MA, and is shown on Dedham Assessors' Map 108, Lot 65. The certified plot plan indicates that the Subject Property contains 12,307 square feet of land and feet of 92.35 of frontage on Washington Street. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by a telephone building. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1955.

Mr. Haynes explained that Verizon wants to install six panel antennas, a faux chimney, nine remote radio heads, three junction boxes, and other appurtenant equipment mounted within fiberglass enclosures on the rooftop of 387 Washington Street, which is an existing Verizon Wireless facility and central office that is adjacent to the Police Station. Small cell supporting equipment will be housed within a 327 square foot lease area located in the building's basement. Access to the rooftop will be by an existing exterior roof access staircase. With this equipment, Verizon will be able to provide improved wireless service to Dedham with no impact on utilities, schools, or traffic. No water, sewer, or other municipal services are required, and all equipment will comply with applicable FCC standards and regulations. Mr. Haynes said this installation will be barely visible from Washington Street.

The Board had no questions. Mr. McGrail asked if anyone wanted to speak. Mary Jane Parnell, 20 Church Street, who has been there for 25 years, asked to speak about her concern that the pictures only show a small piece of the property. She said sees every part of the building, and it is noisy. She has had gatherings that have had to go inside the house because of the noise. They have run generators from 11 p.m. to 3-6 p.m. The entire property is in total disrepair, as it has always been, with 6-10" potholes. It is a safety hazard for anyone on the property.

The proposed height of the equipment will be an eyesore. The pictures presented to the Board show the front of the building. She sees the back of the building, which is where the potholes are.

Mr. McGrail said the potholes would only impact the Verizon employees. Ms. Parnell said the public walks back there all the time. She asked how tall the fiberglass wall would be, and it would be 10 feet. There is a penthouse on top of the roof now that is higher than 10 feet. There are no generators or anything. The tenants do not make any noise. All of the ground-based equipment is in the basement. The cable is run down the side of the building within a cable tray. All are painted to match the brick. Ms. Parnell said she had no idea what this was going to look like. Mr. Haynes tried to explain this to her. Mr. Haynes said the rear is private property, and they will not go on those properties. He said it is actually smaller on the back, and will not be visible from the back. There are things on the building that will block the equipment, and Ms. Parnell will not be able to see anything. Mr. Haynes said there is an additional one in the front, and one in the back corner that is smaller. This is to protect the visibility from the neighbors. Ms. Parnell asked if it would go around the air conditioning unit. Mr. McGrail said that the applicant is adding things, but not addressing any other issue.

It is to be noted that there was a great deal of paper rustling immediately over the microphones, so some conversation could not be understood. Ms. Parnell asked about the chimney, but a response could not be understood. Work on the wireless equipment has not yet begun on the building, but windows are being painted. Ms. Parnell asked for clarification that all she will see is something three feet higher than what is already there. Mr. Haynes said it is 10 feet above the roof, but she will not see the additional 10 feet.

Mr. McGrail asked Mr. Haynes for clarification on what Ms. Parnell can see from her property. Then he said there was something else in the back that she would be able to see from her property. She asked how high, and he said 10 feet, so he asked if she will see a 10 foot appendage in the back of the building from her property. The second question is why he did not show that on the plans. Mr. Haynes said they cannot go behind a house onto private property to take a picture. Ms. Parnell said that of course he can. She said it will be visible from five residences.

Mr. McGrail said the Applicant needed to come back on December 13, 2017, to show the Board what it will look like from the residents' property. He had no issue with the petition at all, but

there is a neighbor with issues. In looking at the map, Mr. McGrail thought that Ms. Parnell really could not see the building. Ms. Parnell strongly disagreed. The hearing was continued to December 13, 2017. Mr. McGrail asked for photos from Ms. Parnell's residence, as well as her neighbors' property. She gave her permission for Mr. Haynes to go on her property, and he will contact the other neighbors for their permission.

The Zoning Board of Appeals reconvened on Wednesday, December 13, 2017, on a continuation of the hearing for Cellco Partnership, d/b/a Verizon Wireless, to be allowed a Special Permit and variance as necessary to install wireless communication equipment. Again, Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® recused himself from this hearing because he is an abutter. Mr. McGrail informed the Applicant that there would only be four voting members for the hearing, and he would need a unanimous 4-0 vote. The Applicant was given the option of continuing the hearing until the next month; he chose to continue.

Mr. Haynes presented pictures of the site from various locations as requested by the Board. Mary Jane Parnell, 20 Church Street, has been talking with him, and said she is okay with the proposal, noting that the aesthetics will be reviewed by the Planning Board at the time of site plan review. She said she wants to make sure that nothing is added to the rendering other than what is taken down. She has no problem with the Board approving the petition with that condition. She appreciated the Board listening to her.

Upon duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted unanimously (4-0) to grant and approve such special permits and/or variances as required to install wireless communication equipment with the condition that the equipment will look as displayed in the pictures.


In granting said special permit, the ZBA finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood. In granting said variances, the ZBA finds that the Applicant has satisfied the requirements Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial financial hardship to Applicant, and that the relief

may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed and that no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Date: December 13, 2017

Attest by the Zoning Board of Appeals

  
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James F. McGrail, Esq.

  
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J. Gregory Jacobsen

  
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Scott M. Steeves

  
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Jessica L. Porter

Attest by the Administrative Assistant

  
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Susan N. Webster