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file, clerk  
Tech Group

### DOCUMENT INTAKE FORM



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16 AUG -2 AM 11:02  
AMESBURY CITY CLERK

Date August 2, 2016

Name Cellco Partnership d/b/a Verizon Wireless  
Property Address (Street, City, Zip) 27 South Hunt Road, Amesbury, MA 01913

*If not the Property Owner, then state your relation to the Property Owner*

Applicant's Representative  
Name Daniel D. Klasnick, Esquire  
Name of Firm Duval & Klasnick LLC  
Your Address (Street, City, Zip) 210 Broadway, Suite 204, Lynnfield, MA 01940  
Email Address dklasnick@dkp-law.com  
Telephone (781) 873-0021 Fax \_\_\_\_\_

City of Amesbury **Board/Committee/Permit Granting Authority - PGA** (Choose That Apply)

- |                                     |                         |                          |                         |
|-------------------------------------|-------------------------|--------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Planning Board          | <input type="checkbox"/> | Historical Commission   |
| <input type="checkbox"/>            | Conservation Commission | <input type="checkbox"/> | Tree Board              |
| <input type="checkbox"/>            | Zoning Board of Appeals | <input type="checkbox"/> | Design Review Committee |
| <input type="checkbox"/>            | Other _____             |                          |                         |

(NO PUBLIC HEARING)

Project Name: Amesbury Riverside MA 27 South Hunt Rd.

Materials Submitted (Choose That Apply) Have you already filed an Application with PGA

- |                                     |  |                                       |
|-------------------------------------|--|---------------------------------------|
| <input checked="" type="checkbox"/> | Permit Application - NEW               | If Yes, then List ALL Permits         |
| <input type="checkbox"/>            | Supplemental Information               | Permit Type <u>Minor Modification</u> |
| <input type="checkbox"/>            | Information Requested by PGA           | <u>to the Site Plan</u>               |
| <input type="checkbox"/>            | Responses to Peer Review               | _____                                 |
| <input type="checkbox"/>            | Responses to Technical Assistant Group | _____                                 |
| <input type="checkbox"/>            | Other _____                            | Date Originally Submitted _____       |

Materials	Description	Original Date	Revision Date	No. of Copies
Plans	Amesbury Riverside MA	2/10/16	3/8/16	16
Technical Documents				
Other				

Purpose of Submission / Requested Action Approval for Minor Modification to the Site Plan for telecommunications tower at 27 South Hunt Road

Acknowledgement Signature [Signature]

Office Use Only  
Office of Community & Economic Development, 62 Friend Street Amesbury MA 01913  
Received By Aug. 2, 2016 Date Sept 12<sup>th</sup> Minor Modification



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## Request for Minor Modification to the Site Plan

27 South Hunt Road  
Amesbury, MA

16 AUG -2 AM 11:02 Daniel D. Klasnick  
Licensed in Massachusetts and New Hampshire  
dklasnick@dkp-law.com  
AMESBURY CITY CLERK

August 2, 2016

David Frick  
City of Amesbury  
Planning Board  
62 Friend Street  
Amesbury, Massachusetts 01913

**SUBJECT: Cellco Partnership d/b/a Verizon Wireless  
Wireless Telecommunication Facility Collocation  
27 South Hunt Road, Amesbury, MA**

Dear Chair Frick:

On behalf of Cellco Partnership d/b/a Verizon Wireless, I am submitting a request for a Minor Modification to the Site Plan under Section XLC of the Amesbury Zoning Bylaw for your consideration.

Verizon Wireless plans to expand wireless telecommunications service in Amesbury, Massachusetts. The proposed installation of a wireless telecommunications facility on the existing telecommunications tower at 27 South Hunt Road in Amesbury is an integral part of that expansion.

In accordance with filing requirements, I have included sixteen (16) copies of stamped plans. Verizon Wireless respectfully requests that the Planning Board add this request to its next available Agenda.

Should you have any questions or comments regarding the proposed work, please feel free to call me at ( 781) 873-0021. Thank you for your consideration.

Very truly yours,  
DUVAL & KLASNICK LLC



By: Daniel D. Klasnick  
Attorney at Law



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PLANNING BOARD

City Hall

APPLICATION FOR SITE PLAN REVIEW

Date August 2, 2016  
Name Cellco Partnership d/b/a Verizon Wireless  
Address c/o Duval & Klasnick LLC, 210 Broadway, Suite 204  
Lynnfield, MA 01940 Tel. (781) 873-0021

Application is hereby made for a site plan review. Premises affected are situated at 27 South Hunt  
Road, Amesbury Massachusetts and on Map # 96, Lot # 8  
of the Assessor's Map.

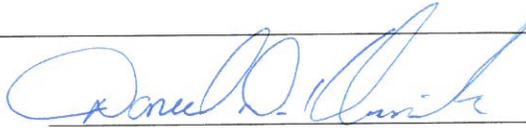
1. Owner of Property: SBA Communications Corporation
2. Zoning District: Industrial (I)
3. Lot size: 3.98 acres
4. Size of Building, Addition or Area of Proposed Work: Existing Telecommunications Tower and  
Fenced Area - Please see Project Narrative for further details.
5. Occupancy or Use - Existing: Wireless Telecommunications  
Proposed: Wireless Telecommunications
6. Other Permits Required: Building and Electrical
7. Submittal:
  - \* Site Plan - Scale 1" = 40' (Section XI, C-4a of Zoning Bylaw) 16 Copies Included
  - \* Water and Sewer Plan N/A
  - \* Storm Drainage Plan N/A
  - \* Erosion Control N/A
  - \* Parking Spaces and Plan N/A
  - \* Traffic Plan N/A (If required under C-5d of Zoning Bylaw)
8. Description of Work: Please See Attached Project Narrative

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Daniel D. Klasnick , Esquire

Signature of Applicant

See Attached Letter of Authorization

Owner (if not Applicant)

Filing Fee: \$500.00 plus \$0.15 per square foot of gross floor area.

Received: \_\_\_\_\_

Distributed: \_\_\_\_\_

Hearing: \_\_\_\_\_

This application must be accompanied by 16 copies of the site plan. Complete details concerning site plan review are in Section XI, Section C - Site Plan Review of the Amesbury Zoning Bylaw.

**CITY OF AMESBURY**

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**PROJECT NARRATIVE**

AMESBURY CITY CLERK

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

**SITE ADDRESS:** 27 South Hunt Road, Amesbury, MA

**ASSESSOR’S LOT I.D.:** Map 96, Lot 8

**ZONING DISTRICT:** Industrial (I)

This Narrative filed in support of the request for a minor modification to the site plan pursuant to the Amesbury Zoning Bylaws, all rights reserved, is respectfully submitted by Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) to the City of Amesbury, Planning Board (“Board”).

Pursuant to Section XLC, Subsection 9 of the Amesbury Zoning Bylaws “[a]n applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, expansion or alteration of uses in the existing facility.”

Based on the description set forth herein, and as will be further discussed at the meeting on this matter, the proposed collocation of a wireless communications facility fulfills the standards for a minor modification to site plan under the Amesbury Zoning Bylaws and Section 6409(a) of P.L. 112-96, as codified at 47 U.S. Code §1455, requiring permitting authorities to approve most applications administratively for the collocation and modification of wireless equipment for telecommunications services that will be located on an existing telecommunications tower and within the existing fenced equipment area.

PROPOSED WORK

Verizon Wireless is proposing to install twelve (12) antennas at a mount height of 125 feet on the existing 135 foot telecommunications tower with nine (9) remote radio heads and 2 junction boxes. The antennas will be mounted in three separate arrays of four (4) antennas per array. The cabling will run from the antennas inside the monopole to an ice bridge and then to the proposed equipment cabinet.

Verizon Wireless will install a six (6’) foot by eight (8’) foot concrete pad [48 square feet] next to an existing ten (10’) by sixteen (16’) concrete pad [160 square feet] to house its telecommunications equipment cabinets, backup batteries and backup generator with an ice canopy inside of the fenced area. Two 120 gallon propane tanks will be located on the existing 10’ by 16’ concrete pad inside of the fenced area. The emergency generator will only be used for back-up power and only in the event of an emergency.

Electric and telephone lines will run underground ground from the Verizon Wireless equipment and will be connected to an existing meter board and CSC Cabinet inside the fenced area.

## PLANS

Verizon Wireless has submitted detailed plans entitled “Amesbury Riverside MA” for the property at 27 South Hunt Road, Amesbury, MA 01913 prepared by Hudson Design Group LLC with a last revision date 03/08/16.

## CONSTRUCTION METHOD

While the majority of work will occur on the existing telecommunications tower, the proposed wireless install at 27 South Hunt Road will also require some minimal ground work that shall occur within the existing fenced area to include the minor trenching to install the utility services, ice bridge posts and minor grading to install the 6' x 8' concrete pad. The new concrete pad measuring 48 square feet will be installed immediately adjacent to the existing 160 square foot concrete pad at the area depicted in the plans. A small amount of soil will be excavated for the 6' x 8' concrete pad that will support Verizon Wireless' outdoor equipment cabinets. Once the concrete pad is complete, Verizon Wireless will install the new outdoor cabinets next to the existing concrete pad that will support the propane generator connected to the proposed propane tanks. The installation of the electric and telephone lines that will run underground ground from the Verizon Wireless equipment will require minor trenching 36-48 inches deep to connect to the existing meter board and CSC Cabinet inside the fenced area. There will be minimal excavation of soils that will be distributed on site.

The entire project installation will require 1-2 months to complete.

## NETWORK DESIGN REQUIREMENTS

### a. Site Selection Process

Verizon Wireless is committed to working with local communities in siting and construction of its wireless communication facilities. Because of Verizon Wireless' desire to be a good neighbor and establish long-term relationships, Verizon Wireless makes every effort to identify potential community concerns and incorporate all appropriate mitigation measures in the site selection process.

The wireless communications system being developed by Verizon Wireless has been designed utilizing sophisticated computer-engineering models which simultaneously evaluate topography, population patterns, and land use concerns to identify specific geographic regions to be serviced by the communications facility in the network. As a result, a limited search area is identified by the Radio Frequency Engineer as the necessary location for a transmission facility to ensure the most complete coverage to area residents, businesses and public safety officials. Once the search area has been selected, then Verizon Wireless' site selection consultant first seeks to identify existing structures. In this case, after a thorough review of the search area, Verizon

Wireless has determined that the existing Monopole Tower is sufficient for attachment purposes and therefore Verizon Wireless proposes to install a twelve (12) panel antenna array with equipment cabinets at the location of the existing Monopole Tower.

b. Justification of Need

A gap in coverage is evidenced by the inability to adequately transmit or to receive a wireless signal, or by the interruption or disconnection of a wireless signal. Verizon Wireless currently has a significant gap in wireless capacity and coverage in the City of Amesbury. The gap that exists in the City prevents Verizon Wireless from providing uninterrupted wireless service to current and future public and private users of its wireless communications system.

The location of a facility on the existing Monopole Tower is an integral part of Verizon Wireless' network of telecommunications facilities necessary to provide adequate coverage to those persons living in the City of Amesbury as well as those persons commuting through the Amesbury area on the various State and/or Federal highways. Following a thorough analysis, Verizon Wireless submits that it can fulfill its significant wireless service gaps by locating its equipment on the existing Monopole Tower and consequently at this time a new separate Telecommunications Tower will not be required.

If Verizon Wireless is permitted to install the equipment detailed herein, this will aid in reaching Verizon Wireless' goal to provide enhanced wireless service and communications in the City of Amesbury, the Commonwealth of Massachusetts and the United States as a whole.

Verizon Wireless operates in compliance with all of the rules and regulations promulgated by the Federal Communications Commission as required by its licensing.

REQUEST FOR WAIVERS

A substantial number of the provisions of Subsection 5, entitled Materials for Review, impose requirements that are not applicable to the installation of a Wireless Telecommunications Facility on an existing monopole tower.

*Because the proposed facility will be mounted to the existing monopole tower which will not require site development of the nature and extent contemplated by the provisions of Subsection 5 of the Amesbury Bylaws. Verizon Wireless formally requests waivers or, in the alternative, a determination of non-applicability for all standards and requirements that do not apply to the installation of a tower mounted wireless telecommunications facility. The proposed antennas will be mounted to the existing monopole tower at a mounting height below existing antenna arrays operated by other carriers with equipment cabinets within the existing fenced area and therefore a substantial portion of the requested information will not tend to provide substantive assistance to the Board in its review of this application.*

- a. Parcel Information - The location and boundaries of the lot, adjacent public or private ways, total parcel area, frontage, setback boundaries, required open space and parking, other applicable information from Section VI - Dimensional and Density Regulations,

easements affecting the use, access and building layout on the parcel, the location and owners names of all adjacent properties.

- b. Topography and existing land features - Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, marshes, drainage swales, areas subject to flooding, and unique natural land features, including all trees over eight (8) inches in caliper, and the general location of the tree line. Existing walls, fences, culverts, bridges, recreation trails, land-fills, gravel pits and other significant man-made features,
- c. Buildings - Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor finished elevations and building height(s).
- d. Parking & Driveways - The location of parking and loading areas, driveways, access and egress points from existing ways.
- e. Sidewalks, bike paths and recreation trails – walkways between building and parking areas, pedestrian access to and from the site to existing sidewalks and bike paths.
- f. Utilities - The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100 year storm events), utilities, and refuse and other waste disposal methods.
- g. Grading and Stormwater Drainage – Limit of work, proposed finished elevations, slopes, stabilization measures, storm water and erosion control structures and features.
- h. Landscaping - Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the Planning Board.
- i. Lighting - Existing and proposed lighting, including locations, lighting source, and fixture types. The Planning Board may require photometric analysis of proposed lighting.
- j. Signs - The location, dimensions, height, and characteristics of proposed signs.
- k. Open Space - The location and description of proposed open space or recreation areas.
- l. Traffic Generation - The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
- m. Building Facades and Floor Plans – Architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered; roof

plans and floor plans showing existing and/or proposed uses with floor areas for each use. Elevation drawings should indicate exterior material and colors, size and spacing of windows, doors and other openings

*The Applicant has prepared plans which accurately depict the property and location of the Applicant's equipment upon property. Due to the size and scope of the proposed wireless communications facility, Applicant believes that the Plans, Project Brief, and other documents submitted meet the requirements to the extent applicable to this proposal. To the extent the Board believes that the provided Plans do not comply with the requirements, the additional detail will not tend to provide substantive assistance to the Board and therefore the Applicant requests a waiver from any such requirements.*

### COMPLIANCE WITH TELECOMMUNICATIONS ACT OF 1996

Because Verizon Wireless is applying for approval for the installation of equipment that provides wireless services, the application is subject to §704 of the federal Telecommunications Act of 1996 ("TCA"), codified at 47 U.S.C. §332(c)(7)(B). By way of background, the TCA is a federal law enacted in 1996 whose purpose is "[t]o promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."<sup>1</sup> To further this purpose, the TCA established national standards that apply to zoning applications for wireless facilities. These standards preempt inconsistent state and local laws, so they must be considered by zoning boards in making decisions on applications for wireless facilities.

On February 22, 2012, President Obama signed into law H.R. 3630, known as the "Middle Class Tax Relief and Job Creation Act of 2012," which then became Public Law 112-96 ("P.L. 112-96"). Section 6409(a) of P.L. 112-96 adds new language to the existing body of laws, regulations, and decisions pertaining to wireless facility zoning *Middle Class Tax Relief and Job Creation Act of 2012*, Pub L. No. 112-96, 126 Stat. 156 (2012).

Section 6409(a) states:

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

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<sup>1</sup> *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56 (1996).

Section 6409(a) of P.L. 112-96 builds on this existing legal framework by requiring zoning authorities to approve most applications for the collocation of wireless equipment. As stated by the Hon. Fred Upton, the Chairman of the Committee on Energy and Commerce for the U.S. House of Representatives, the purpose of the law is to streamline “the process for siting of wireless facility by preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless transmission equipment.

In this case, the proposal to add 12 antennas, 9 remote radio heads, 2 junction boxes, cables that will not increase the height of the tower as the new equipment will be located at a lower height than the existing antennas and therefore will not increase the overall height of the tower. There will be no changes to size of the existing fenced area as all ground equipment will be located inside the existing fenced area and will not involve excavation outside the current tower site. Where the collocation of antennas, remote radio heads and junction boxes will not substantially change the physical dimensions of the existing tower, the collocation will not result in a substantial change to the physical dimensions of the existing facility.

Based upon the fact that the proposed collocation on the existing tower located at 27 South Hunt Road complies with the tenets of 47 U.S. Code §1455(a), Verizon Wireless respectfully requests approval of its collocation and the ability to proceed with an application for a building permit in accordance with the City of Amesbury’s regulations.

### CONCLUSION

The availability of wireless communications service enhances community safety, and is increasingly relied upon by civil defense and other safety officers as well as the general public in times of crisis, natural disaster, bad storms or similar circumstances. Wireless communications service also provides a convenience to residents, and is an attractive feature and service to businesses. The proposed installation, by providing these services, will promote the health, safety, convenience and general welfare of the inhabitants of the City of Amesbury.

The proposed installation meets all of the standards for a minor site plan review approval pursuant to the City’s Zoning Bylaws. The subject parcel is located within the Industrial zoning district and the installation is proposed on the existing wireless monopole structure. The installation will have minimal impact on the community and will comply with all applicable laws and regulations.

The Applicant therefore requests that the Board grant its application for minor site plan review approval.



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SBA Communications Corporation  
8051 Congress Avenue  
Boca Raton, FL 33487-1307

T + 561.995.7670  
F + 561.995.7626

sbsite.com

## LETTER OF AUTHORIZATION

**SBA Site ID:** MA03056-S, Salisbury

**Property Located at:** 27 Hunt Road, Amesbury, MA, 01913-4400

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**THE CITY/COUNTY OF:** Amesbury / Essex

### APPLICATION FOR ZONING/USE/BUILDING PERMIT

This letter authorizes Verizon Wireless and its authorized agents to file for all necessary zoning, planning and building permits (local, state and federal) for the purposes of installing, operating and maintaining a telecommunications facility on the existing tower on the property referenced above on behalf of Unknown.

All approval conditions that may be granted to Verizon Wireless in connection with above referenced facility relating to this specific application are the sole responsibility of Verizon Wireless.

SBA Properties, LLC

A handwritten signature in black ink, appearing to read "Jason Silberstein", written in a cursive style.

Jason Silberstein

Executive VP, Site Leasing

Date: 7/22/2016

## Barbara Foley

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**From:** Nipun Jain  
**Sent:** Thursday, July 21, 2016 6:29 PM  
**To:** Daniel Klasnick (dklasnick@dkp-law.com)  
**Cc:** Barbara Foley  
**Subject:** 27 South Hunt Road

Dan,

I am writing to follow up on your request to inquire with City's legal counsel on the proposed project at 27 S. Hunt Road. The legal counsel has confirmed our advice to you to submit an application as explained in an email to you earlier. They also confirmed that this should not require a public hearing but would require the approval from the Planning Board. Please submit the application requesting the modification to the Site Plan Approval granted by the Board.

The item was placed on the Planning Board agenda <sup>July 25<sup>th</sup></sup> for them to acknowledge the response from legal counsel and to communicate the same to you. I am doing that here in advance of that meeting. They will not be discussing your project, plans or making any other determination other than formally providing the guidance to the applicant as recommended by legal counsel.

Please note that the Board will only act after we have received a formal request to modify the Site Plan Approval. The filing fee is \$100/- *September 12, 2016*

Do not hesitate to write to me if you have any follow up questions.

Sincerely,  
Nipun

"The chief function of the city is to convert power into form, energy into culture, dead matter into the living symbols of art, biological reproduction into social creativity." - *Lewis Mumford*

### Notice:

This email is subject to MGL: Chpt.66, Sec.10 Public Records Law.

# CITY OF AMESBURY

## SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

No. \_\_\_\_\_ Dept. Planning Board Date August 4 20 16

FROM WHOM	SOURCE	AMOUNT	TOTAL
<p>Duval &amp; Klasnick, LLC 210 Broadway Suite 204 Lynnfield, MA 01940</p>	<p>1000017446000</p> <p>Minor Modification to Site Plan CK # 6544 Re: 27 South Hunt Rd</p>	<p>100.00</p>	<p>100.00</p>

6544

**DUVAL & KLASNICK LLC**  
OPERATING ACCOUNT  
210 BROADWAY SUITE 204  
LYNNFIELD, MA 01940

**SalemFive**  
210 ESSEX ST, SALEM, MA 01970  
53-7055/2113

July 27, 2016

PAY TO THE ORDER OF **CITY OF AMESBURY**

\$ 100.00

\*\*\* ONE HUNDRED \*\*\*\*\* and 00/100 DOLLARS

MEMO **Amesbury Riverside - Application Fee**

Earl W. Duval

AUTHORIZED SIGNATURE

No. \_\_\_\_\_ August 4 20 16

To the Departmental Officer making the Payment:

Received of Planning Board, the sum of  
One hundred dollars & 00/100 Dollars

for the \_\_\_\_\_ ending \_\_\_\_\_ for

collections as per schedule of this date, filed in my office.

27 South Hunt Rd  
Amesbury Riverside  
Verizon Wireless

Hanna Cornoni  
Treasurer

Barbara M Foley  
Department Signature