



## **TOWN OF HAMILTON PLANNING BOARD**

Town Offices at Patton Homestead  
650 Asbury Street  
Hamilton, MA 01982

### **NOTICE OF DECISION**

#### **SPECIAL PERMIT APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC**

|                                    |                                                                      |
|------------------------------------|----------------------------------------------------------------------|
| <b>Application Type:</b>           | Special Permit pursuant to Section 7.3 of the Hamilton Zoning By-law |
| <b>Applicant:</b>                  | New Cingular Wireless PCS, LLC d/b/a AT&T                            |
| <b>Applicant's Representative:</b> | Edward Pare, Jr., Brown Rudnick, LLP                                 |
| <b>Location of Project:</b>        | In the public right-of-way adjacent to 15 Walnut Road, Hamilton, MA  |
| <b>Property Owner:</b>             | N/A                                                                  |
| <b>Public Hearing Date:</b>        | October 7, 2025                                                      |
| <b>Decision Date:</b>              | October 7, 2025                                                      |
| <b>Decision Rendered:</b>          | Conditional Special Permit Approval                                  |
| <b>Date of Written Decision:</b>   | November 4, 2025                                                     |

#### **I. APPLICATION INFORMATION & EXHIBITS SUBMITTED:**

The applicant, New Cingular Wireless PCS, LLC d/b/a AT&T, submitted a Special Permit application to the Hamilton Planning Board, pursuant to Section 7.3 of the Hamilton Zoning By-law, *Small Wireless Facilities in Public Rights of Way, Public Property, and Private Property*, to install a small wireless facility (hereafter referred to as SWF facility) on an existing utility pole, identified as Pole 7 ½ in the application materials, located within the public right-of-way adjacent to 15 Walnut Road in order to improve wireless telecommunications service coverage. A copy of the application was also filed with the Hamilton Town Clerk. The Planning Director determined the application to be complete and distributed notice of the application to the Building Department, Fire Department, Police Department, Board of Health, Town Manager, and Conservation Commission. Notice of the Public Hearing was published in the *H-W News* on September 12, 2025 and posted on the Town's website on September 9, 2025. Notice of the Public Hearing was also mailed to abutters by the Planning Department on September 19, 2025.

The Application included the following Exhibits:

- 1.0 Cover Letter, prepared by Edward Pare, Jr. of Brown Rudnick, LLP dated September 2, 2025.

- 2.0 Application for Special Permit, prepared by Edward Pare, Jr. of Brown Rudnick, LLP dated August 31, 2025
- 3.0 Letter of Authorization, RE: *Evidence of Pole Agreement and Consent to File for Permits Granted to AT&T Wireless*, signed by Keith Amelin of National Grid dated August 26, 2025
- 4.0 Certificate of Liability Insurance, prepared by Marsh USA, LLC dated August 29, 2025
- 5.0 FCC Licenses, prepared by New Cingular Wireless PCS, LLC dated August 27, 2025
- 6.0 Certified list of abutters for parcels 300 feet from the subject parcel at 15 Walnut Road, prepared and signed by Town Assessor Jane Dooley
- 7.0 Site Plans and Scope of Work, prepared by Centerline Engineering Services, PA last revised August 26, 2025
- 8.0 Photosimulations, depicting the facility under pre- and projected post-development conditions, prepared by Centerline Communications (undated)
- 9.0 Carrier Coverage Maps, RE: Current AT&T Coverage around South Hamilton, (undated)
- 10.0 10.0 Radio Frequency Report, prepared by Kevin Breuer, RF Engineer, AT&T Mobility (August 29, 2025)
- 11.0 Structural Analysis Report, prepared by Derek Creaser, PE, Director of A&E Services at Centerline Engineering Services, PA (August 29, 2025)
- 12.0 Site Selection Analysis/Pole Feasibility Assessment, prepared by AT&T (undated)
- 13.0 Emissions Compliance Form, prepared by Donald L. Haes, Jr., CHP, Radiation Safety Specialist (August 27, 2025)
- 14.0 Letter of Maintenance and Removal Commitment, prepared by Rachelle Bidon-Lewis, Associate Director of Design Engineering, AT&T Mobility (August 27, 2025)

One resident, Becky Kaleo of 1 Northedge Road in Hamilton, submitted an e-mail on September 22, 2025 (Subject: Cell Tower Hamilton) in support of the application. No other comments were received by the Planning Board relative to the application.

## **II. FINDINGS OF FACT**

Following a public hearing on October 7, 2025, the Planning Board determined that the application was comprehensive and complete and eligible for relief under Section 7.3 of the Hamilton Zoning By-law. The Board determined that as a telecommunications facility, the application is also subject to applicable federal and state laws and regulations, including the federal Telecommunications Act of 1996, FCC Order 18-133, and Massachusetts General Laws Ch. 166, § 21, 22, and 25A for telecommunication wires and wireless attachments and appurtenances attached to utility poles in the public right-of-way. The Planning Board further determined that a gap in wireless telecommunications coverage existed in the vicinity of the Hamilton Town Center.

The Planning Board determined the application met the Special Permit criteria pursuant to Section 10.5 and Section 7.3 of the of the Hamilton Zoning By-law. The application's adherence to the

Development Standards of the Small Wireless Facilities By-law (Section 7.3.1[b]), as determined by the Planning Board, is summarized below:

- 1.) *Only small wireless facilities are permitted to be installed within a State or Town right-of-way on new or existing utility poles or wireless support structures. All small wireless facilities eligible for a special permit under this section shall not exceed the size dimensions of the small wireless facility definitions and shall be designed as concealed facilities and shall be subject to applicable development standards and procedures as required by local, state and federal laws.*

The applicant proposes to utilize a pole owned by National Grid located within the Town's right-of-way for Walnut Road. The Planning Board determined the size of the facility was well within the size dimension limits outlined in the By-law and that the facility would be concealed by its location adjacent to an extensive canopy for a mature tree.

- 2.) *New utility poles or wireless support structures shall be designed to match the design parameters established by the SPGA by regulation or in the absence of such design guidance, match the size, girth and design of any existing utility poles or other vertical structures located in the surrounding area.*

The application makes clear an existing utility pole will be retrofitted to include the SWF facility. No replacement pole is proposed.

- 3.) *The applicant shall include with its application sufficient evidence, consistent with industry standards, to justify its requested placement.*

The Planning Board determined that the application was complete and comprehensive and included sufficient evidence, including a Site Selection Analysis/Pole Feasibility Assessment and AT&T Coverage Maps, to justify its requested placement.

- 4.) *Small wireless facilities must be placed in a right-of-way with residential or commercial uses on the opposite side of the right-of-way from such uses whenever possible. All small wireless facilities shall be located in such a way that they do not interfere with views from residential structures.*

The Planning Board determined the built environment of Hamilton Town Center, a relatively densely settled neighborhood, generally does not permit SWF facilities to be located on the opposite side of the right-of-way from residential and commercial uses as such uses typically occupy both sides of roadways.

- 5.) *All small wireless facilities shall be located so as to minimize adverse visual effects on the landscape.*

The Planning Board determined that the facility will be concealed from the foliage of an existing tree and that it will have a reasonably inconspicuous visual presence and effect on the existing landscape.

- 6.) *All small wireless facilities either independently sited or mounted on or to existing buildings and structures shall be camouflaged.*

The Planning Board determined that the SWF facility would be adequately camouflaged due to its location adjacent to an extensive canopy for a mature tree.

- 7.) *When a small wireless facility extends above the roof height of a building on which it is mounted every effort shall be made to conceal every component within or behind existing architectural features to limit its visibility from public view.*
- 8.) *All small wireless facility components mounted on a roof shall be stepped back from the front façade in order to limit its impact on the building silhouette and the public view.*

The Planning Board determined Standards 7.) and 8.) do not apply to the proposed SWF facility as it is not proposed to be located on a roof of a building.

- 9.) *The Planning Board shall determine if sufficient area exists immediate to the proposed small wireless facility so that landscape improvements would be aesthetically beneficial it shall request a landscape plan from the applicant. Said plan will seek to screen or buffer the public view of the proposed small wireless facility.*

The Planning Board determined that the SWF facility would be reasonably screened from public view due to its location adjacent to existing mature landscaping. As such, the Board determined that a landscape plan was not necessary to the application.

- 10.) *Any small wireless facility shall be painted so as to visually blend into nearby vegetation or a light gray or light blue hue that blends with sky and clouds.*

The Planning Board determined that the facility would be painted light grey, consistent with its depictions in the application materials.

- 11.) *The Planning Board may adopt further objective aesthetic and location criteria applicable to all applications submitted under this Section 7.3.*

The Planning Board determined the application met all applicable aesthetic and location criteria applicable to SWF facilities governed under Section 7.3.

### **III. VOTE**

Based on its Findings of Fact and the Exhibits submitted by the applicant and representations made by the applicant's representative at a public hearing on October 7, 2025, the Planning Board, acting on a motion offered by member Dale and seconded by member Dahlquist, voted to

approve the Special Permit contingent on the Conditions of Approval noted under Section IV of this Notice of Decision. The roll call of the vote to approve the application was as follows:

|                             |     |
|-----------------------------|-----|
| Marnie Crouch, Chair:       | YES |
| Emil Dahlquist, Vice Chair: | YES |
| Jonathan Poore, Member:     | YES |
| Pat Norton, Member:         | YES |
| Darcy Dale, Member:         | YES |
| William Wheaton, Member:    | YES |
| Beth Herr, Member:          | YES |

The Planning Board's deliberations are further summarized in the approved October 7, 2025 meeting minutes.

#### **IV. PLANNING BOARD CONDITIONS OF APPROVAL:**

Based upon the foregoing, and the submissions of New Cingular Wireless (AT&T) listed in this Notice of Decision, the Planning Board imposes the following binding conditions of approval on the Special Permit:

- 1.) Prior to the issuance of a building permit, the applicant shall submit an emergency contact list, consistent with the requirements of Section 7.3.1(g)(4) of the Hamilton Zoning By-law, to the Planning Department. For the full duration of the Special Permit, the applicant shall be responsible to maintain the contact list and confirm it is accurate and current during annual re-certifications.
- 2.) Prior to the installation of the SWF, the applicant shall enter into a license agreement with the Town consistent with all applicable requirements of Sections 7.3.1(i) and (j), and subject to the approval of the Town Manager and Town Counsel, unless any such requirements are specifically preempted by state or federal law.
- 3.) The applicant shall submit a complete building permit application to the Building Department within two years of the date of the Town Clerk's stamp on this Notice of Decision. The permit plans shall be consistent with the Exhibits in this Notice of Decision and the proceedings of the Planning Board. Prior to the start of construction, the applicant shall obtain a valid building permit.
- 4.) Prior to the start of construction and to the extent required, the applicant shall obtain a Street Opening and Trench Permit from the Department of Public Works for any work proposed within the public right-of-way.
- 5.) In order to install and maintain the facility, the applicant may prune the abutting mature tree adjacent to Pole 7 ½ depicted prominently in Exhibit 8.0 (*Photosimulations*),

however boughs and limbs of the tree shall be maintained to the maximum extent possible to ensure that tree partially conceals the visibility of the facility. The applicant shall also be responsible to exercise reasonable care in the installation and maintenance of the facility to ensure the health of the tree is protected.

- 6.) For the duration of the Special Permit, in the event that the Hamilton Fire Chief or Police Chief raises documented concerns regarding the facility's interference with public safety communications, the applicant shall be responsible to cooperate with the Town, consistent with the requirements of Section 7.3.1(g) of the Hamilton Zoning By-law, with haste to test, and if necessary, correct and eliminate the interference.
- 7.) Within one year of the issuance of a building permit for the facility, the applicant shall be responsible to submit an affidavit for re-certification, consistent with the requirements of Section 7.3.1(l) of the Hamilton Zoning By-law, to the Planning Department. Upon the review of the affidavit to the satisfaction of the Planning Director, the Planning Department shall issue an administrative certificate of renewal within 30 days. In every subsequent calendar year, the applicant shall be responsible to submit an affidavit for re-certification by December 1 to the Planning Department so long as the facility is maintained.
- 8.) In the event that the applicant proposes to replace or substantially modify the SWF facility, the applicant shall provide the Planning Department written notice of its intentions, including associated plans, prior to the start of work and the Planning Director shall determine if the proposal requires approval of the Planning Board. In the event of substantial modification, Planning Board approval shall be required unless specifically pre-empted by state or federal law.
- 9.) Within 60 days of abandonment of the SWF facility, the operator shall remove the facility, including all associated equipment, from Pole 7 ½ at its expense and provide written notice of the removal to the Planning Department.

## **V. CERTIFICATION**

By signature below, a quorum of members of the Hamilton Planning Board attest that this Notice of Decision is a true and accurate account of the Planning Board's decision and deliberations relative to the Special Permit application of New Cingular Wireless, LLC:

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*This Notice of Decision shall be stamped by the Hamilton Town Clerk and maintained on file with the Planning Department and the Town Clerk's Office.*

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