

Town of Tyringham, Massachusetts

Planning Board

3 April, 2012

Record of Proceedings on Application of a Special Permit

I, Carey McIntosh, Clerk of the Planning Board, hereby certify that the following is a record of its proceedings relative to the application of WiSpring, Inc., for a Special Permit under Zoning Bylaws 6.7 and 7.3 to erect one antenna support structure (tower) to deliver high speed internet to Tyringham residences and offices.

The tower site will be located in the woods on property owned by Bonny Costello and Frank Cespedes at 59 George Canon Road. As planned, it satisfies requirements for setbacks, coverage, need, and design. It does not adversely impact historic structures or scenic views. It fills a genuine need for the Town. It does not adversely affect public health, safety, or general welfare. It does not create traffic congestion or unduly impair pedestrian safety. It will have no detrimental impacts on the established or future character of the neighborhood. No better alternative locations or technologies are available to the Town. The proposed structure and service are allowed by special permit.

The application for this permit, of which a true copy is part of this record, was presented to the Planning Board on 13 February, 2012. A notice of public hearing, a true copy of which is part of this record, was published in the Berkshire Eagle on March 19 and 26, 2012, posted in front of Town Hall on March 19, 2012, and mailed to the applicant, to abutters and owners of land within 300 feet of the property line as named in the certificate from the assessors, a copy of which is part of this record, and to the Planning Board, Board of Selectmen, Building Inspector, and the Planning Board of every abutting town, on 26 March, 2012.

A public hearing was held on 2 April, 2012, in Town Hall, at which all those interested could be heard in favor of or in opposition to said application. 55 people attended. The following evidence was presented at the hearing:

(1) The applicant testified that the proposed tower is unobtrusive, well located to provide internet service, and safe. The tower is smaller and much more slender than (for example) a cell phone tower, and the signal much weaker. It can be constructed without damage to the neighborhood. It will provide wide coverage to the Town, at competitive rates. As technology improves, service can be improved.

(2) Questions from the Planning Board and other Boards related to coverage, contingencies in the event of power failure, rates, and number of subscribers.

(3) Questions from the floor related to safety, interruptions due to weather, coverage, the balloon test (which bears on obtrusiveness), equipment needed by home-owners, installation charges and procedures, what happens to this service if/when fiber arrives at Town Hall, lightning, liability, length of contract, removal of the tower if service is discontinued, powers and capacities of the services offered, environmental impact, and possible extensions of service.

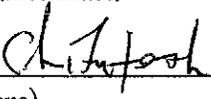
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The Planning Board deliberated and made the following findings: 1. The application is conscientious, responsive to Town needs, detailed, and fully in compliance with Zoning Bylaw 6.7. 2. The proposed tower and internet service seem to be of high quality, at a very competitive cost, and it would satisfy major needs. 3. The Town overwhelmingly approves of this application.

The Planning Board voted unanimously at its meeting of 2 April, 2012, to approve the application based on findings as recorded above. Its approval has two conditions: 1. Reflecting sleeves shall be installed on all guy wires from the anchor to a vertical height of 10'. 2. The Permit is not valid until WiSpring is in compliance with Zoning Bylaw 6.7 section IX requirements for a covenant for removal and for bonding.

Planning Board members present and voting: Jerry Miller (chair), Carey McIntosh (clerk), Ed Nardi, and Robin Almgren (alternate).

Planning Board Clerk
3 April, 2012



(signature)