



# TOWN OF HINGHAM

## Board of Appeals

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Town Clerk  
Hingham, MA

### NOTICE OF DECISION SPECIAL PERMIT

#### IN THE MATTER OF:

**Applicant:** PTI US Towers II, LLC  
999 Yamato Road, Suite 100  
Boca Raton, Florida

**Owner:** Isabella Stewart Gardner Museum, Inc.  
25 Evans Way  
Boston, MA 02115

**Property:** 266 Whiting Street, Hingham, MA 02043

**Deed Reference:** Plymouth County Registry of Deeds, Book 58617, Page 330  
Plymouth County Registry of Deeds, Book 58617, Page 335  
Plymouth County Registry of Deeds, Book 58803, Page 239

**Plan and Document  
References:** Prior Zoning Board of Appeals Decisions dated December 24, 2009 and  
February 26, 2010 (10 Sheets);  
ALTA/NSPS Land Title Survey, Prepared by Pro Terra Design Group, LLC,  
dated Jun 27, 2025 (1 Sheet);  
Assignment and Assumption of Ground Lease, dated February 15, 2018 (7  
Sheets);  
Affidavit of Radio Frequency Engineer, dated May 30, 2025 (10 Sheets);  
Tower Mapping Report, prepared by Hightower Solutions, 15225 Hwy 36  
Suite 1, Bennington, NE 68007-5163, dated August 13, 2024 (62 Sheets);  
Structural Analysis Report prepared by Ronald E. Glover, P.O., S.E. of Tower  
Engineering Professionals, 326 Tryon Road, Raleigh, NC 27603, dated June  
13, 2024 (24 Sheets);  
Environmental Sound Assessment, prepared by Modeling Specialties, 30  
Maple Road, Westford, MA 01886, dated May 22, 2025 (7 sheets); and  
Calculated Radio Frequency Emissions Report, prepared by C Squared  
Systems, LLC, 65 Dartmouth Drive, Auburn, NH 03032, dated May 29, 2024  
(12 sheets).

## **SUMMARY OF PROCEEDINGS**

This matter came before the Board of Appeals (the "Board") on the application of PTI US Towers II, LLC (the "Applicant") for a Special Permit A2 under Section V-E of the Zoning By-Law (the "By-Law"), and such other relief as necessary, for the continued operation and maintenance of the existing 130' Wireless Communications Facility at 266 Whiting Street, located in Residence District C.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, September 16, 2025, during a meeting held via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board of Appeals panel consisted of Robyn S. Maguire, Chair, and Paul K. Healey and Jed Ruccio, Regular Members. The Applicant's representative, Brian Grossman, Esq. of Strang, Scott and Giroux, LLP, made the presentation of this application. At the conclusion of the application review, the Board voted unanimously to grant the requested Special Permit A2 with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, all as made or received at the public hearing.

## **BACKGROUND**

The subject property consists of over six acres of land improved by a 7,000 SF building, a permitted greenhouse agricultural use and a Cellular Tower originally permitted in 2010.

The Applicant submitted an application for a new Special Permit A2 for the existing unipole located on the site. As previously required under §V-E, 7.1, Special Permits issued under this provision of the Zoning By-Law automatically expires five years from the date of the issuance of the permit and required renewal. The previous owner of the property did not seek renewal and thus the permit expired in 2015.

In 2025, Article 45 of the Annual Town Meeting Warrant struck §V-E, 7.1. The new owners of the property submitted an application for a Building Permit and were advised that their Special Permit had lapsed prior to the zoning change; to address this, they filed this application on July 31, 2025.

## **APPLICATION:**

The Applicant submitted extensive updated data to support their application seeking a Special Permit A2 to continue to maintain the existing the 130-foot above ground level ("AGL") unipole currently leased by T-Mobile and Verizon.

The unipole will continue to provide wireless telecommunications carriers including, without

limitation, their associated antennas, radio communications equipment and cabling.

No changes to the existing Facility or fenced compound surrounding the base of the tower and the carriers' ground-based radio communications equipment was proposed as part of the application.

In support of the application, the Applicant filed updated reports, including a 2024 Tower Mapping Report, a 2024 Structural Analysis Report, a 2025 Environmental Sound Assessment, a 2025 Site Plan and a 2025 Calculated Radio Frequency Emissions Report.

## **FINDINGS**

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2:

- a. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law for the following reasons.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property is in harmony with the general purpose and intent of the Bylaw. The requested re-issuance of the special permit will not alter the existing Facility.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of the By-Law.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property complies with the purposes and standards of the relevant provisions of the Bylaw.
- c. **The specific site is an appropriate location for such, structure, or condition, and is compatible with the characteristics of the surrounding area.** For the reasons set forth in the previous ZBA Decisions, the use of the existing Facility on the Property is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area. The requested reissuance of the special permit will not alter the existing Facility.
- d. **The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated.** For the reasons set forth in the previous ZBA Decisions, the existing Facility will create positive impacts or potential adverse impacts will be mitigated. The renewal of the special permit for the existing Facility will allow the continued provision of personal wireless services in and near this area of Hingham. As set forth in the RF Affidavit, without the Facility there will be a significant gap in wireless network coverage in this area of Hingham. The reissuance of the special permit for the existing Facility will allow the continued provision of personal wireless services to the residential, businesses and visitors within this area of Hingham for their personal, business and emergency communications.

- e. **There will be no nuisance or serious hazard to vehicles or pedestrians. The existing Facility will continue to utilize the existing access.** No changes to the existing access or traffic patterns are proposed as part of this application. On average, only one or two round trip visits per month are required to service and maintain the Facility.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** Adequate and appropriate facilities exist on the Property and are currently utilized for the operation of the existing Facility. No change to the existing utilities or other facilities is proposed as part of the Application. The existing Facility will continue to utilize the existing access.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** As set forth in the previous ZBA Decisions, the use of the existing Facility on the Property meets accepted design standards and criteria for the functional design of facilities, structures, storm water management, and site construction. The requested reissuance of the special permit will not alter the existing Facility nor the approved stormwater management on the Property.

## **DECISION**

Upon a motion made by Paul K. Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the application of PTI US Towers II, LLC for a Special Permit A2 under § V-E of the Zoning By-Law, and such other relief as necessary, for the continued operation and maintenance of the existing 130' Wireless Communications Facility located at 266 Whiting Street, in Residence District C subject to following conditions:

1. The Wireless Communications Facility (a unipole) is to be constructed in substantial accordance with the plans presented (prepared by T-Mobile Northeast, LLC, and 15 Commerce Way, Norton, MA, revised through September 30, 2009 stamped by Paul L. Mucci, Civil RPE and Kevin Blake, PLS) and the representations made at the public hearing.
2. The height of the unipole shall not exceed 130 feet The Board grants a waiver from §V-E (7. c.) of the Zoning By-Law for the 130 foot height to allow for co-location which will reduce the need for other facilities, which includes the Town's public safety equipment to be mounted above the 130 feet.
3. The Applicant shall provide the space and install, at the Applicant's own cost, the Town's public safety equipment, including a 1.0' x 10' equipment cabinet, provided that the Town supplies the equipment to the Applicant at the time of the unipole's installation.

4. If the Applicant receives requests from other licensed wireless communication providers to co-locate equipment or systems at the unipole, the Applicant shall promptly provide written notice to the Building Commissioner of such requests and allow such providers to co-locate at commercially reasonable rates and locations on the unipole, provided that all co-locations must be consistent with the terms of this Special Permit A2 and no co-locating provider may claim priority over the Applicant (without the Applicant's consent) for use or position on the unipole.
5. A unipole shall not be erected nearer to any property line than a distance equal to the vertical height of the unipole measured at the mean finished grade of the unipole base as shown on the plans revised through September 30, 2009.
6. Existing on-site vegetation shall be preserved to the maximum extent possible.
7. The unipole shall be painted white and maintained in good condition and no lights are to be installed on the structure.
8. A 6-foot high chain link fence with barbed wire top is to be placed around the equipment cabinets as shown on plans as revised through September 30, 2009.
9. All network interconnections from the unipole shall be via land lines, with no visible additional antenna to be installed.
10. The area surrounding the unipole and accessory equipment cabinets shall be completely secure from trespass or vandalism. A sign not larger than one square foot shall be posted adjacent to the entry gate indicating the name of the Facility's owner and a 24-hour emergency telephone number.
11. The unipole or parts thereof which have not been used for two years shall be dismantled and removed at the owner's expense. In order to secure performance of this action the Board requires the Applicant/Owner to secure a bond or other form of security in order to complete the dismantling and removal. Prior to the issuance of the building permit for the unipole the Applicant/Owner shall submit a letter to the Building Official stating the cost of removal; such letter may be updated from time to time to include the cost of inflation.
12. No commercial signage or advertising may be affixed to the unipole, surrounding fence or equipment cabinets.
13. Nothing herein shall be construed as modifying the terms of the Board's Phase I Decision filed as of December 24, 2009.

For the Board of Appeals,



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Robyn S. Maguire, Chair  
September 30, 2025

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.