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William Francis Galvin, Secretary of the Commonwealth
 Middlesex South - Eugene C. Brune, Register

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Town: ACTON					
Number	File Date	Type Desc.	# Pgs.	Book/Page	Consideration
101	01/22/1997	DECISION	3	OR /27004/314	0.00
Street#	Street Name		Description		
982	MAIN		NTC VARIANCE &C 23165-158		
Grantor		BELL ATLANTIC NYNEX MOBIL INC ACTON TOWN			
Grantee					

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-3M

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9615
Fax (508) 264-9630

Catherine Belbin
Town Clerk

December 5, 1996

TO WHOM IT MAY CONCERN:

This is to certify that the attached Board of Appeals Decision (Hearing #96-17) on the Petition by Bell Atlantic Nynex Mobil, Inc. c/o D'Agostine, Levine & Gordon, P.C. was filed with the Town Clerk's Office and the Planning Board on October 10, 1996.

The 20-day appeal period has expired and there have been no appeals made to this office.

Catherine Belbin
Catherine Belbin
Town Clerk

MARGINAL REFERENCE REQUESTED
BOOK 23165 PAGE 158

DOC278

MSD 01/22/97 10:02:16
101
982 Main St. Acton
12.25



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE *October 10, 1996*

Barbara Brown
TOWN CLERK, ACTON

Decision on the Petition by
Bell Atlantic Nynex Mobil, Inc. c/o D'Agostine, Levine & Gordon, P.C.

Decision #96-17

A public hearing of the Acton Board of Appeals was held in Town Hall on Monday, September 9, 1996 at 7:30 PM in the Acton Building Department Office on the petition by Bell Atlantic Nynex Mobile, c/o D'Agostine, Levine & Gordon, P.C. for a VARIANCE from the requirements of Sections 5 (height) & 6 (parking lot design standards) of the Zoning Bylaw to allow the installation of a 150 foot communications tower and related facilities located at the premises shown on Assessor's Map B6/Parcel 2, also known as 982-998 Main Street.

Marion Maxwell, Alternate

Board members present were Peter Berry, Chairman; ~~Duncan Wood, Clerk~~; Nicholas Miller, Member. Also present were Garry Rhodes, Building Commissioner; Cheryl Frazier, Board of Appeals Secretary; and petitioner and public including Marta Bennett, Phil Sullivan, Gian DaGiama, Guy McKay, Jim Donahue, Scott Cameron, W. Thomas Muise, Louis Levine.

Peter Berry opened the hearing, explained the procedure and read the file contents. Mr. Levine described the location, the need for the 150 foot height, the fact that once constructed, the site would rarely be visited, except roughly once per month for maintenance purposes. Some concerns were raised regarding the adverse health effects caused by electro-magnetic radiation. After discussion and evaluation of the materials submitted, the Board of Appeals finds that:

- (1) The antenna is needed to provide adequate cellular telephone coverage for Acton and surrounding areas.
- (2) The U.S. Congress has encouraged local governments to not prohibit personal wireless service facilities from operating in their jurisdictions.
- (3) The petitioner claims that the antenna and its operation conform to current health and safety guidelines.
- (4) Very limited space for parking and a minimum gravel driveway should adequately provide for the operation and maintenance of the facility.
- (5) Extensive visual checks and calculations have demonstrated that the antenna should be visible from very limited surrounding areas, and such visibility appears often to be only through conifer vegetation.

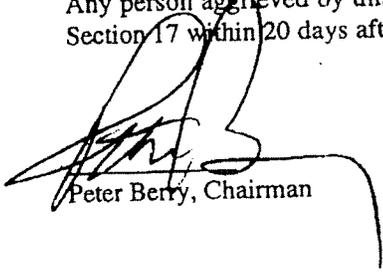
Based on the above findings, the Board concluded that:

- (1) Owing to circumstances relating to the topography of the site, literal enforcement of the provisions of the Bylaw would involve substantial hardship by making the provision of wireless services impossible from this site.
- (2) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

The Board voted unanimously to GRANT the requested VARIANCES from ~~by~~ Sections 5 and 6 of the Bylaw subject to the following conditions:

- (1) The owner / operator of the facility will provide for and permit with reasonable terms and upon review by the Board of Appeals the use of the antenna by other wireless service providers;
- (2) After construction, when the facility is in operation, vehicular access to the facility will be restricted to tower and associated equipment maintenance vehicles;
- (3) The facility shall be operated in compliance with the most current ANSI (American National Standards Institute) standards for such operation, and with any applicable Massachusetts Department of Public Health standards.
- (4) The tower and associated structures, fixtures, fences, access ways, etc., shall be removed and the area restored to reasonable condition when the facility is no longer used.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.



Peter Berry, Chairman

Town of Acton Board of Appeals

Marion Maxwell
~~Duncan Wood, Clerk~~ *Alternate*

Nicholas P. Miller
 Nicholas P. Miller, Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 10, 1996.

Cheryl Frazier
 Cheryl Frazier, Board of Appeals Secretary

A TRUE COPY. ATTEST:

Catherine Bellin
 TOWN CLERK ACTON, MASS.

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Town: ACTON					
Number	File Date	Type Desc.	# Pgs.	Book/Page	Consideration
254	10/11/1996	NOTICE	2	OR /26742/79	0.00
Street#		Street Name		Description	
982-988		MAIN			
Grantor		MCKAY GUY A &AL CELLCO PARTNERSHIP &AL BELL ATLANTIC NYNEX MOBILE INC &AL MCKAY SHERYL &AL			
Grantee					

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BOS - N. Acton

MEMORANDUM OF LEASE

This MEMORANDUM OF LEASE made as of this 12th day of AUGUST, 1996 (the "Memorandum") by and between Guy A. and Sheryl McKay, husband and wife, whose address is 181 Grant Street, Lexington, Massachusetts, 02173 ("LESSOR") and Cellco Partnership, a Delaware General Partnership d/b/a Bell Atlantic NYNEX Mobile, having its principal office c/o Bell Atlantic NYNEX Mobile, Inc., 180 Washington Valley Road, Bedminster, NJ 07921 ("LESSEE").

WITNESSETH:

- LESSOR is the owner of certain property (the "Property") located at 982-988 Main Street, Acton, Massachusetts, and more particularly described in a deed recorded with the Middlesex South Registry of Deeds at Book 23165, Page 058.
- By Lease dated as of AUGUST 12, 1996 (the "Lease"), LESSOR has leased to LESSEE certain space on the Property, and Access, as defined in the Lease (the Property space and Access are sometimes hereinafter referred to collectively as the "Premises").
- The Initial Term of the Lease is for five (5) years, expiring on AUGUST 11, 2001. The Lease also has three (3) Extension Terms of five (5) years each that may extend the term of the Lease until AUGUST 11, 2016.
- Except as otherwise specified in this Memorandum, all terms defined in the Lease shall have the meanings therein given.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

WITNESS:

[Signature]

[Signature]

LESSOR: Guy A. and Sheryl McKay

[Signature]
Guy A. McKay

Date: 8/12/96

[Signature]
Sheryl McKay

Date: 8/12/96

WITNESS:

[Signature]

LESSEE: Cellco Partnership, by its managing general partner Bell Atlantic NYNEX Mobile, Inc.,

[Signature]
By: Richard J. Lynch

Title: Executive Vice President & Chief Technical Officer

Date: 8/28/96

Acknowledgment Page Follows

8/9/96

19.99
254
MST 19/11/96 19:42:30

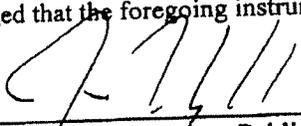
BOS - N. Acton

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

8/12, 1996

Then personally appeared the above-named GUY A. MCKAY and SWEZYLL MCKAY, and acknowledged that the foregoing instrument was executed as their voluntary act and deed, before me.

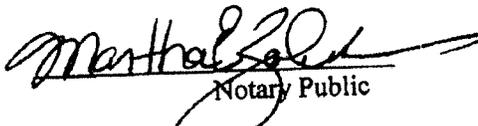

Notary Public
JAMES F. CONNER
My Commission expires: 7/20/01

STATE OF NEW JERSEY

Somerset, ss.

8.28, 1996

Then personally appeared the above-named Richard J. Lynch, and acknowledged that he is the Executive Vice-President and Chief Technical Officer of Bell Atlantic NYNEX Mobile, Inc., described in and which executed the foregoing instrument, and acknowledged that this instrument was signed as its voluntary act and deed.


Notary Public
My Commission expires:

MARTHA E. ZOLIDES
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 22, 1999

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Middlesex South - Eugene C. Brune, Register

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Town: NONE					
Number	File Date	Type Desc.	# Pgs.	Book/Page	Consideration
610	07/26/1999	ASSIGNMENT	6	OR /30460/582	0.00
Street#		Street Name		Description	
				26742-79	
Grantor		CELLCO PARTNERSHIP BELL ATLANTIC MOBILE INC			
Grantee		CROWN ATLANTIC COMPANY LLC			

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6 1.50

MEMORANDUM OF ASSIGNMENT

This Memorandum of Assignment is entered into by and between CELLCO PARTNERSHIP, a Delaware General Partnership, d/b/a Bell Atlantic Mobile ("Assignor"), with an office c/o Bell Atlantic Mobile, 180 Washington Valley Road, Bedminster, NJ 07921 and CROWN ATLANTIC COMPANY LLC, a Delaware limited liability company with an office at 510 Bering, Suite 500, Houston, TX, 77057 ("Assignee").

1. Assignor (as lessee, assignee, or grantee) entered into a lease agreement or other instrument ("Agreement") with the owner, lessor, or grantor (the "Property Owner") both as referred to or indicated on Exhibit "A" attached hereto (the "Exhibit"), which conveyed or created an interest in such land and/or improvements ("Property") of the Property Owner as described in, indicated by or referenced in the deed or document recorded at the recording reference (book and page) stated in the Exhibit of the applicable land records for the jurisdiction in which the Property is located, as also stated in the Exhibit, in the Commonwealth of Massachusetts. The date of the Agreement and the term of the Agreement, including the number of renewal terms, is indicated in the Exhibit. The Agreement conveys an interest in a portion of the Property to Assignor (the "Premises") as described in the Agreement.
2. Assignor and Assignee entered into an assignment instrument ("Assignment") on the 31st day of March, 1999, whereby Assignor transferred, assigned and conveyed its interest in the Agreement to Assignee. To the extent a consent of Property Owner to such Assignment was required by the Agreement, Assignor has obtained such consent. By virtue of the Assignment, Assignee has succeeded to all rights and obligations of the Assignor under the Agreement. The terms, covenants and provisions of the Agreement extend to and are binding upon the respective successors and assigns of Assignor and Assignee. Copies of the Assignment and the Agreement are on file in the offices of Assignor and Assignee.
3. The undersigned Vice President of Bell Atlantic Mobile, Inc. states that (A) Bell Atlantic Mobile, Inc. is a partner of the Assignor partnership, (B) this Assignment is made in the usual course of business of the Assignor partnership, and (C) this Assignment does not constitute an act requiring the action of all the partners of the Assignor partnership.
4. This Memorandum of Assignment is intended to give record notice of both the Agreement (to the extent notice was not previously recorded and is not prohibited by the terms of the Agreement) and the Assignment and of the rights created thereby, all of which are hereby ratified and confirmed in all respects by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Assignment.

[remainder of page intentionally left blank;
signature pages for both Assignor and Assignee follow]

26742-79

Memorandum of Assignment-4REV

MA

MSD 07/26/99 01:06:57 610 13.55

ASSIGNOR:

CELLCO PARTNERSHIP
By Bell Atlantic Mobile, Inc.
Its managing general partner

Amy Jo King
Witness

By: A. J. Melone
Name: A. J. Melone
Title: Vice President Network Planning
And Administration

[remainder of page intentionally
left blank; Assignee's
signature appears on page 3]

ASSIGNEE:

CROWN ATLANTIC COMPANY LLC

By: _____


John P. Kelly

Title: Executive Vice President

[remainder of page intentionally
left blank; notary blocks
for both Assignor and Assignee follow]

INDIVIDUAL ACKNOWLEDGMENT

State of New Jersey

County of Somerset

On this 22nd day of March, 1999, before me appeared Anthony J. Melone, to me personally known, who, being by me duly sworn, did say that he is Vice President of Network Planning and Administration of Bell Atlantic Mobile, Inc., a corporation, managing general partner of Celco Partnership, and that said instrument was signed on behalf of said corporation and partnership, and said Anthony J. Melone acknowledged said instrument to be his free act and deed, and the statements contained therein to be true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state of the day and year last above written.

Amy Jo King

Notary Public

My commission expires:

AMY JO KING
Notary Public of New Jersey
My Commission Expires March 18, 2002

COMMONWEALTH OF PENNSYLVANIA :
 : §§
COUNTY OF WASHINGTON :

CORPORATE ACKNOWLEDGMENT

On this 25 day of March 1999, before me, the subscriber, a Notary Public, in and for the Commonwealth of Pennsylvania, personally appeared **John P. Kelly**, Executive Vice President of Crown Atlantic Company LLC, a Delaware limited liability company, and in due form of law acknowledged that he is authorized on behalf of said limited liability company to execute all documents pertaining hereto and acknowledged to me that he executed the same as his voluntary act and deed on behalf of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said County and Commonwealth of the day and year last above written.

Kathleen L. Krzywicki
Notary Public

My Commission Expires:

Notarial Seal
Kathleen L. Krzywicki, Notary Public
Cecil Twp., Washington County
My Commission Expires Sept. 2, 2002
Member, Pennsylvania Association of Notaries

Exhibit A

Site Name BOS NORTH ACTON (BAM)

Location

Site Address 1: 982-988 MAIN STREET
Site Address 2: ROUTE 27
County: MIDDLESEX
Lot/Block (if available): _____
Tax Map (if available): _____

Property Owner

Name: GUY A. McKAY AND SHERYL McKAY
Address 1: 181 GRANT STREET
Address 2: _____
City, State, Zip: LEXINGTON MA. 02173-
Title aquired by deed or other conveyance instrument recorded in: (Deed/Book/Vol) DB 23165/ P 0158

Lease Agreement (or other instrument)

Agreement Date: 8/12/96
Initial Term Expiration 1/31/02
Renewal Terms: 5/5 YR

*Memorandum of Lease recorded Middlesex ^{South} ~~North~~ Deeds
Book 26742, Page 79.*