



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
Governor

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Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

November 15, 2010

Mr. Timothy Carroll, Executive Secretary
Town of Chilmark
401 Middle Road
Chilmark, Massachusetts 02535-0119

Ms. Jenna Metznik
ATC Outdoor DAS, LLC.
10 President Way
Woburn, Massachusetts 01801

RE: CONDITIONAL APPROVAL
APPLICATION FOR: BWP SW 37
POST CLOSURE USE - MINOR
DISTRIBUTED ANTENNAE SYSTEM HUB FACILITY

AT: CHILMARK LANDFILL
55 Tabor House Road
Chilmark, MA

Transmittal Number: X231853

Dear Mr. Carroll and Ms. Metznik:

The Massachusetts Department of Environmental Protection, Solid Waste Management Section ("MassDEP") has completed its technical review of the permit application listed above in regard to a proposed post closure use at the Chilmark Landfill ("Landfill") at 55 Tabor House Road in Chilmark, Massachusetts. MassDEP has determined that the application is technically complete and hereby approves construction of the Distributed Antennae System HUB Facility at the site, subject to the conditions herein.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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In a correspondence dated October 27, 2010, the Town of Chilmark, Executive Secretary authorized American Tower Corporation to apply for the post closure use permit on behalf of the Town. The Application was prepared and submitted on behalf of the Town of Chilmark (the "Town") and ATC Outdoor DAS, LLC. (a subsidiary of American Tower Corporation) by BL Companies Inc. and received by MassDEP on November 1, 2010. Hereinafter, the Town and ATC Outdoor DAS, LLC. will be referred to as the "Applicants". The Application consisted of a BL Companies, Inc. cover letter dated October 29, 2010, an application transmittal form assigned #X231853, an Application form BWP SW 37 Post Closure Use – Minor, and a bound document entitled:

**Post Closure BWP SW 37
Minor Permit Application
ATC Outdoors DAS, LLC – Martha's Vineyard, MA Site
SITE ID NO. 345226
55 Tabor House Road
Chilmark, Massachusetts
October 2101**

On November 12, 2010, ATC Outdoor DAS, LLC. responded to comments issued by MassDEP via e-mail on November 8, 2010.

Proposal

The proposed project site is located at the southwest corner of the Chilmark Landfill property at 55 Tabor House Road in Chilmark, Massachusetts. The site is undeveloped wooded land and maintained grass lawn. The proposed site will consist of a roughly triangular shaped area measuring approximately 56-feet 8-inches by 30-feet along the perpendicular sides. The project area will be enclosed by an 8-foot high chain link fence with two swing-gate openings. These swing gates are located inside a locked gate at the Landfill entrance. Authorized personnel of ATC Outdoor DAS, LLC. may be provided with keys to the Landfill gate. When accessing the HUB facility, the Landfill gate will remain closed at all times to prevent unauthorized access.

The Applicants propose the construction of a telecommunications Distributed Antennae Systems ("DAS") HUB facility comprised of on 51-inch by 42-inch equipment shelter, a 150 kilo-watt generator, a 250-gallon propane tank, an H-frame used to hold a switching/metering/telco enclosure, associated electrical equipment, future carrier space, and landscape plantings.

The proposed equipment shelter will be constructed on a concrete pad measuring approximately 10-feet 5-inches by 9-feet 9-inches. A second concrete pad measuring approximately 10 feet 1-inch by 3-feet 7-inches will be constructed as a generator pad. An H-frame unit will be installed to hold switching, metering, and telco enclosure equipment. All conduit will run along the underside of a cable ladder and inside conduit chase. As stated in the project specifications, no buried conduit is allowed.

A proposed overhead utility easement will extend from the existing overhead electrical lines located approximately 100 feet northwest of the site. A new aerial line, at least 15-feet above the road elevation) will be installed within the overhead easement and attach to a new utility pole that will be installed at the northerly portion of the site.

The site is located approximately 45 feet south from the Chilmark Landfill limit of final cover system. No heavy equipment used for the project will travel over any capped area. Access to the site will be from the landfill entrance road off Tabor House Road then along the existing landfill perimeter access road.

Conditional Approval

MassDEP, in accordance with its authority granted pursuant to M.G.L. c.111, s.150A, hereby approves construction of the Distributed Antennae System Hub Facility subject to the following conditions:

1. MassDEP shall be advised, both verbally (i.e. telephone) and in writing regarding the initiation of construction activities.
2. The scope of work approved by this permit shall be limited to the construction and maintenance of the Distributed Antennae System Hub Facility as shown on the drawings submitted within the Application. In the event that it becomes necessary to deviate from the approved design, the Department shall be advised and shall determine whether a permit modification is warranted. MassDEP shall be contacted prior to any expansion of the capacity of the facility.
3. The Applicants shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements relative to the activities associated with this project. Applicable federal regulations shall include, but are not limited to 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.
4. Upon completion of construction, MassDEP shall be provided with "as-built" plans and a summary report demonstrating the construction was performed in accordance with the approved plan(s).
5. The Town shall continue to comply with the provisions of 310 CMR 16.00 and 19.000 regarding the overall operation and maintenance of the Landfill site.
6. If at any time it is determined that the Chilmark Landfill has been adversely impacted, the Applicants shall contact MassDEP within seven (7) days of the finding.
7. Only authorized personnel shall be allowed to on the Chilmark Landfill property. The Chilmark Landfill and the Distributed Antennae System Hub Facility shall not be open to the general public except as otherwise approved by MassDEP.

8. MassDEP reserves the right to require additional assessment(s) or action(s), including but not limited to, modifying said corrective measures or operating techniques in order to maintain the environment free from objectionable nuisance conditions and/or dangers or threats to the public health or safety, or the environment.

RIGHT OF APPEAL

Right to Appeal – This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.037: Procedure for Existing Facility Permits, Permit Modifications, Permit Renewals and other Approvals, of the “Solid Waste Management Regulations”. Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A not later than thirty days following receipt.

Notice of Appeal - Any aggrieved person intending to appeal the decision to the superior court shall provide notice to the Department of the intention to commence such action. Said notice of intention shall include the Department File Number X231853 and shall identify with particularity the issues and reason (s) why it is believed the approval decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office that made the decision. The appropriate addresses to send such notices are:

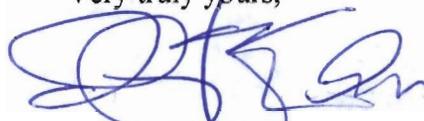
Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

David Johnston
Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures, or that matter sought to be raised is of critical importance to the public health or environmental impact of the permitted activity.

If you have any questions or comments regarding this letter, please contact me at (508) 946-2833 or Dan Connick at (508) 946-2884 or at the letterhead address. In any correspondence regarding this approval, please reference Transmittal Number.

Very truly yours,



David B. Ellis, Chief
Solid Waste Management Section

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ec: Chilmark Board of Health
boh@chilmarkma.gov

DEP-Boston
ATTN: J. Doucett

