

## INSIGHTS + NEWS

## Brian Grossman Successfully Represents Everest Infrastructure Partners in Telecommunications Act Case

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When the North Andover Planning Board denied a permit to Varsity Wireless Inc. (VWI), subsequently acquired by Everest Infrastructure Partners, to erect a 115-foot monopine (a cell phone tower disguised as a pine tree), the case wound up in Massachusetts District Court. Bowditch partner Brian Grossman successfully represented Varsity Wireless in the case, *VWI Towers, LLC, Plaintiff, v. Town of North Andover Planning Board*, and the tower will be erected at 122 Foster Street.

In [an interview with \*Inside Towers\*](#), Brian said: “This is another in the long line of successful cases supporting the Telecommunications Act. That trend continues. We’re thrilled with the decision.”

According to the article:

Although the Planning Board charged they had “substantial evidence” that VWI did not fully consider all options and prove there was a gap in coverage, the court cited *American Tower v Shrewsbury (17-10642-FDS, June 2018)* that said “a mere recitation of provisions of state and local zoning law does not constitute “substantial evidence’ under the Telecommunications Act”.

Grossman said the court held his client to the more stringent interpretation of the TCA and ruled they had satisfied those standards.