

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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ZBA 2000-71

Petition of Nextel Communications
978 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of NEXTEL COMMUNICATIONS requesting a Special Permit pursuant to the provisions of Section XXIIC and Section XXV of the Zoning Bylaw for its proposed co-location of a wireless communications facility containing a triangular antenna array divided into three sectors each containing four antennas at a height of 87 feet on the existing AT&T 100 foot monopole, 10 feet below the AT&T installation, at 978 WORCESTER STREET, in a Business A District and a Water Supply Protection District. A 20 foot by 10 foot equipment shelter and associated landscaping will also be installed.

On September 6, 2000, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Daniel Rosemark, Project Manager representing Nextel Communications, who was accompanied by Joseph Krasucki, Nextel Project Engineer. Mr. Rosemark said that Nextel is proposing to co-locate on the existing AT&T monopole at 978 Worcester Street. They have received a favorable recommendation from the Design Review Board and an Order of Conditions from the Wetlands Protection Committee.

Nextel is proposing to locate a 20 foot by 10 foot equipment shelter next to the AT&T equipment pad at the rear of the Wellesley Travel Inn property and connect to the monopole with coaxial cable. The antenna array will be located at a height of 87 feet on the monopole, which is 20 feet below the AT&T installation. The antenna installation is necessary for the proper functioning of the Nextel telecommunications system throughout the area along Route 9 and the Town of Wellesley.

The Board asked if Nextel had other locations in Wellesley. Using an enlarged plan, Mr. Rosemark located the three other Wellesley sites. The area they are trying to cover with the proposed installation is along Route 9 to Natick. Mr. Krasucki pointed out the other Wellesley sites: the Wellesley College water tank, the Newton/Wellesley Office Park at the junction of Routes 16 and 128; a building adjacent to the toll plaza at the Weston interchange of the Mass Pike, the Wellesley Office Park; and at Camp Nunsuch just off the Mass Turnpike.

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Mr. Rosemark said that the proposed site will overlay an area in which there is currently a coverage issue and a capacity issue. The coverage is about one mile, but dependent on the height of the existing structure, the topography and the trees. Nextel is co-locating on the existing AT&T monopole. Nextel has a separate antenna system and a separate radio system. Only the pole will be shared. Nextel will also have a separate shelter for their equipment.

The Board asked about the maintenance of the shed and the landscaping. Mr. Rosemark said that the Design Review Board had required that the height of the evergreens in front of the installation be increased to 7-9 feet in the separate portion of the lot leased by Nextel. AT&T is responsible for maintenance in front of the pole for their leased area. Nextel is extending the fence back 20 feet and enclosing the entire area for security purposes.

The Board asked if there was further capacity on the monopole. Mr. Rosemark replied that according to the structural analysis performed by Nextel, it is a two-carrier pole.

Statement of Facts

The subject premises of the proposed co-location of a wireless communications facility on the existing 100 foot AT&T monopole and construction of a 20 foot by 10 foot equipment shed is at the rear of 978 Worcester Street, on property owned by Wellesley Realty Associates, LLC, in a Business District and a Water Supply Protection District.

On September 17, 1997, the Board of Appeals granted a Special Permit (ZBA 97-49) to AT&T Wireless Services for the installation of a 100 foot monopole with an 8 foot base, which exceeded the allowed height of 45 feet and had less than the required setback of 113 feet from Morses Pond and from the left side property line at the subject premises. Addendum A, Condition 4 of the decision required that the monopole shall provide space for at least one co-locator. Condition 5 of the decision required that any additions, including equipment cabinets, antennas and/or devices required by a co-locator shall require review by the Design Review Board, the Wetlands Protection Committee and a Special Permit from the Board of Appeals prior to the issuance of a building permit.

The petitioner is requesting a Special Permit to co-locate a wireless communications facility containing a triangular antenna array divided into three sectors, each containing four antennas, at a height of 87 feet, which will exceed the allowed height of 45 feet, on the existing AT&T 100 foot monopole, 10 feet below the AT&T installation.

Connection at ground level will be made by coaxial cable exiting the monopole from the existing cableport along a cable tray to Nextel's secured precast concrete equipment shelter. The 20 foot by 10 foot shelter will be set on six circular concrete piers. The existing 8 foot chain link fence will be extended an additional 30 feet to enclose Nextel's equipment shelter, and screened to shield the base of the facility.

The following written materials were submitted: Special Permit Application and Letter of Authorization; Information Survey; Memorandum in support of Nextel Communications' Special Permit Application; Nextel Communications FCC License; Decision of Wellesley Zoning Board approving the AT&T monopole dated September 18, 1997; Decision of Wellesley Design Review Board approving the AT&T monopole, dated June 10, 1997; color photograph of existing and adjacent buildings.

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The following plans were submitted: Title Sheet (T-1) with Locus Map dated 8/15/00, stamped by Edward W. Brown, Registered Professional Engineer; Site Plan (Z-1) dated 8/15/00, stamped by Patrick J. McCormack, Registered Professional Land Surveyor; and Elevation, Site & Landscape Plan (Z-2) dated 8/15/00, stamped by Mark C. Kopchell, Registered Landscape Architect.

On August 10, 2000, the Design Review Board reviewed the proposal and voted to recommend approval on the following conditions : 1. There shall be no use of barbed wire fencing; 2. Appropriate landscaping shall be provided, including red cedar evergreens, to shield the base of the facility, and all planing should be no less than 7-9 feet high; and 3. The applicant shall clean up unkempt areas around the AT&T facility and commit to future maintenance of the site.

On September 7, 2000, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-327) for the proposed construction.

On September 26, 2000, the Planning Board reviewed the petition and had no objection to approval. The Planning Board supported the recommendations of the Design Review Board.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner requires a Special Permit pursuant to Section XXIIC of the Zoning Bylaw as the proposed wireless communication facility will be installed at a height greater than the allowed 45 feet.

This Authority has made the following findings:

1. The requested installation is essential to the proper functioning of the telecommunications services to be provided by the antenna array to be located at a height of 87 feet on the existing AT&T 100 foot monopole, previously permitted by the Board of Appeals. An alternative installation meeting the 45 foot height restriction is not workable.

Nextel's wireless communications system operates at a low-powered radio signal within an approximate radius of 1 mile. In order to properly function, multiple base receivers must be located within a specific geographical area in order to provide uninterrupted coverage. The antennas mounted on the base transceiver must be located at a height capable of providing a signal unobstructed by trees, hills or buildings. There are no other available buildings or structures in the business zoned area of Route 9 that has a height to which a facility could be installed.

2. The requested co-location installation will not adversely impact adjacent property. The equipment shed will be screened to a height of 7-9 feet with evergreens.
3. The AT&T 100 foot monopole is already in place, as permitted by the Board of Appeals in September, 1997. In that decision, the Board mandated that provision be made for at least one co-locator to minimize the possibility of installation of additional monopoles.

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4. The overall height of the facility exceeds 45 feet as it will be installed at a height of 87 feet. The petitioner has demonstrated to the satisfaction of the Board that the requested height is essential to the proper functioning of the telecommunication services to be provided by the device at the proposed height and location, and that an alternative installation meeting the requirements of Section XXIIIC of the Zoning Bylaw would not be less invasive and would not be workable.
5. The report and recommendations of the Design Review Board have been received. The proposed installation and Special Permit are consistent with that report.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the co-location of a wireless communication facility at a height of 87 feet on the existing AT&T 100 foot monopole, and for the construction of a 20 foot by 10 foot equipment shelter, subject to the conditions in Addendum A.

The Inspector of Buildings is hereby authorized to issue a permit for said installation and construction upon receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Chairman



William E. Polletta



Robert W. Levy

Cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee
Municipal Light Plant

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ADDENDUM A

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1. The proposed equipment shelter shall be located as shown on Site Plan (Z-1) and constructed in accordance with the most recent revisions on all submitted plans.
2. The petitioner shall comply with all requirements of the Municipal Light Plant, including but not limited to the requirement that said wireless facility shall not be located closer than 40 feet from any high voltage right of way.
3. The petitioner shall comply with the Order of Conditions (DEP 324-327) issued by the Wetlands Protection Committee on September 7, 2000.
4. The petitioner shall comply with the landscaping provision stated in the letter from the Design Review Board dated August 16, 2000 in regard to the landscaping and height of the planted materials.
5. The petitioner shall provide maintenance for the area in and around the fenced equipment shelter on its portion of the property leased from Wellesley Realty, LLC.
6. There shall be no use of barbed wire fencing.