

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-18
Petition of New Cingular Wireless PCS LLC
372 Washington Street

Petition of NEW CINGULAR WIRELESS PCS LLC requesting a Special Permit pursuant to the provisions of Section XXII.C.3 and Section XXV of the Zoning Bylaw for construction, use, maintenance, and operation of a wireless communications facility, at 372 WASHINGTON STREET, in a Business District.

On February 24, 2006, 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 case at the hearing was Doug Wilkins, who said that he is from the law firm of Anderson & Kreiger and he represents Cingular Wireless.

Mr. Wilkins said that the petitioners are proposing to install three sectors of antennas with four antennas in each sector. He said that they will be on the rooftop and façade of the commercial building at 372 Washington Street.

Mr. Wilkins displayed the plans, sector by sector. He said that, as shown on Plan (Z1), they do not plan to put antennas on Washington Street. He said that they had originally proposed a penthouse on the Laurel Avenue side but the Design Review Board (DRB) had wanted to see something simpler. He said that they moved the antennas behind the existing HVAC unit because that seems to be the best way to camouflage the antennas from the public on Washington Street. He said that the setback will be 20 feet off of the roofline.

Mr. Wilkins said that on the Prescott Street side, there is an existing penthouse that is just over 45' above ground level. He said that they plan to put their antennas on the façade there, below the 45' level to meet the Zoning height restriction. He said that the antennas will be painted to blend in with the building.

Mr. Wilkins said that the third sector is at the rear of the building. He said that they will be putting the equipment shelter to house the radio and switching equipment there. He said that the landlord does not want them to use anything that could potentially be used as office space. He said that the equipment shelter is the only thing that keeps the proposal from being a by-right project. The Board said that the Special Permit is required because the surface area on the shelter on the roof will exceed 50 square feet.

Mr. Wilkins said that the equipment shelter is set back quite a way and will be painted a dull grey in response to DRB recommendations.

Mr. Wilkins displayed photosimulations of views of the three sectors. He said that there will be low impact from a visual perspective. He said that the facilities are unmanned and only require occasional servicing, once or twice a month.

The Board asked if there will be an emergency generator in the equipment shelter.

Sal Ahlawat said that he is an engineer for Cingular Wireless. He said that there will be battery backup in the equipment shelter.

Mr. Wilkins said that if the batteries run down in an emergency situation, they may have to bring in an emergency generator. He said that they are not proposing to have generators for routine backup.

The Board said that generators present a noise issue. The residences across the railroad have direct line of sight and the Board would not want a new noise source created there.

Mr. Ahlawat displayed a map showing coverage and gaps. He said that they need to have -74dBm in order to have both indoor and in-vehicle coverage.

The Board asked if there was a lesser dBm than 74 to achieve coverage. Mr. Ahlawat said that 74 is the standard set by Cingular Wireless for optimum indoor coverage.

Mr. Ahlawat said that Route 9 & 16 are considered high traffic areas. He said that the gap there is covered by the proposed site.

The Board asked about the siting analysis. The Board asked if the petitioners had considered co-locating with other antennas in the area. Mr. Wilkins said that they had considered installation on another building close by. He said that the landlord was opposed to the proposal.

Mr. Wilkins said that the petitioners consider this proposal to be a co-location. He said that they are dealing with an existing structure. The Board said that is preferable to building a pole.

The Board asked about lighting and security. Mr. Wilkins said there is no lighting proposed. He said that access will be through the building. He said that they will not need any other security.

The Board asked if Cingular has other sites in Town. Mr. Wilkins said that they have facilities at the Village Church, on Route 9, and one on Central Street at Wellesley College on the water tank.

The Board said that Attachment 7 has the radio station authorizations. There is no reference to Wellesley specifically. Mr. Wilkins said that it covers the Boston-Providence area.

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The Board asked about build out dates. Mr. Wilkins said that it is a condition of the license that they have to build out so much of the population and geography by evaluation dates. He said those are generated in Washington by the FCC. The Board asked if they are in compliance. Mr. Wilkins said that he believes that they are.

The Board asked about antenna power. Mr. Ahlawat said that it will be 100 watts for all 12 antennas. The Board said that will be well below the threshold for having to do a radio frequency analysis.

No other person present had any comment on the petition.

The Board noted that the Planning Board had no objection to granting the petition.

Statement of Facts

The subject property is located at 372 Washington Street, in a Business District.

The petitioner is requesting a Special Permit for construction, use, maintenance, and operation of a wireless communications facility, pursuant to the provisions of Section 22C. part D.3. of the Zoning Bylaw, that in the aggregate exceeds 50 square feet, which is not allowed by right in a Business District.

The following materials were submitted:

December 23, 2005

- Completed Design Review Application Form
- Completed Zoning Board of Appeals Application form and Antenna Survey
- Plans showing all existing and proposed equipment
- Letter of authorization from the landowner
- Photographs of the existing building and photosimulations of the proposed facility from a variety of angles and vantage points
- A Radio Frequency Report from Sal Ahlawat, Radio Frequency Engineer
- Cingular Wireless FCC Licenses
- Corporate Certificates for Cingular Wireless
- Landowner's deed

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- Massachusetts Department of Public Health Policy regarding RF Approval
- FCC RF Exposure Regulations
- FAA Advisory Circular No. 70-7460.2K

January 27, 2006

- Revised Plans showing all existing and proposed equipment, as redesigned to conform to input by the Design Review Board
- Photographs of the existing building and photosimulations of the proposed facility from a variety of angles and vantage points, reflecting the revised design

On January 25, 2006 the Design Review Board voted to

Recommend the Zoning Board of Appeals approve the proposed antennas to be located on the rooftop, equipment enclosure, and elevator penthouse at 372 Washington Street as presented in the modified plan dated 1/17/06 subject to the equipment shelter being painted to match the existing rooftop mechanical equipment.

On February 28, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction, use, maintenance and operation of a wireless communication facility that in the aggregate exceeds 50 square feet will not adversely impact adjacent properties.

Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for construction, use, maintenance and operation of a wireless communication facility consisting of 12 antennas mounted less than 8 feet from the top of the building structure, and an 11 foot 6 inch by 20 foot equipment shelter on a raised platform and painted dull gray, in accordance with the submitted plans subject to the following condition:

1. There shall be no stationary engine generators at the facility

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

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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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm