

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2007-01  
Petition of Cingular PCS LLC  
372 Washington Street

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Petition of CINGULAR PCS LLC requesting amendment of Special Permit, ZBA 2006-18, pursuant to the provisions of Section XXIIC.D.3 and Section XXV of the Zoning Bylaw to eliminate the proposed equipment shelter and relocate antennas to a single location on the western side, at 372 WASHINGTON STREET, in a Business A District. Equipment will consist of outdoor cabinets located adjacent to the antennas on a 2 foot high 15 foot by 25 foot steel platform, set back 11.5 feet from the edge of the roof to the west.

On December 18, 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 the case was Douglas Wilkins, who said that Cingular PCS LLC, the Petitioner, is requesting approval to modify Special Permit ZBA 2006-18, that was granted on March 17, 2006. Mr. Wilkins said that it was discovered after approval of the Special Permit that the plans do not meet structural requirements. He said that the existing building structure would not bear the weight of the equipment shelter at the location that was originally proposed.

Under the Special Permit, the Petitioner was providing three sectors of cell phone coverage, comprising four antennas each. The first sector was mounted on the roof access stair tower at the Prescott Street side of the building. For the second sector, an equipment shelter with south-facing antennas mounted on it was originally proposed at the rear of the building. The third sector of antennas was proposed facing west.

Mr. Wilkins said that a new set of plans has been submitted to the Board with the application to amend the Special Permit. Mr. Wilkins said that the proposed plan is to leave the first sector at the Prescott Street side of the building unchanged, but to consolidate the second and third sectors to one location on the western side of the roof. Instead of the equipment shelter, the Petitioners are proposing to construct a two foot raised steel platform. Outdoor equipment cabinets will be installed on the platform. Antennas will be mounted on the south and west sides of the platform. Mr. Wilkins said that the Petitioner has tried to move the equipment as far back from Washington Street as possible to minimize visibility.

Mr. Wilkins said that there is an existing air conditioner condenser close to the proposed location for the platform.

Mr. Wilkins said that the proposed modifications are fairly low impact and that this proposal is not significantly different from what was previously approved by the Board.

The Board said that the Structural Engineer referred to weight issues in his Report, but failed to specify the weight levels that caused the issues to arise. The Board said that the data upon which the Structural Engineer based his findings should be submitted, including a statement of the dead load and live load included in the design, and upon which the Structural Engineer's conclusions were based. The Structural Engineer's Report should specifically address the effect of adding the weight of the two proposed future cabinets.

Mr. Wilkins said that the two cabinets shown on Plan Z-2 in half-tone are likely not to be built initially but are part of the current proposal. The Petitioner is requesting to have approval for the two cabinets granted as part of the overall project rather than having to come back before the Board again. The Board confirmed that installation of the two cabinets at a later date will not involve installation of additional antennas.

Mr. Wilkins said that the Petitioner is committed to the size of the cabinets that is on the submitted plans, should their installation be deemed necessary in the future.

The Board asked if a railing along the platform would make the area safer. Mr. Wilkins said that the project will be constructed in compliance with all OSHA Regulations. The Board said that installation of a railing along the platform shall be at the discretion of the Building Inspector.

There was no other person present at the Public Hearing who wished to speak to the petition, though the Board had received a letter of opposition from the owner of the building at 380 Washington Street.

#### Statement of Facts

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

The Petitioner is requesting amendment of Special Permit, ZBA 2006-18, to allow them to eliminate the previously proposed equipment shelter and to relocate antennas to a single location on the western side of the building. Equipment will consist of outdoor cabinets located adjacent to the antennas on a 2 foot high 15 foot by 25 foot steel platform, set back 11.5 feet from the edge of the roof to the west.

On March 17, 2006 the Zoning Board of Appeals, as Special Permit Granting Authority, found that construction, use, maintenance and operation of a wireless communications facility that in the aggregate exceeds 50 square feet will not adversely impact adjacent properties.

The following materials were submitted by the Petitioner:

- Completed Design Review Application Form [copy from original application]
- Complete Zoning Board of Appeals Application form and Antenna Survey [copy from original application]
- Revised Site Plans and Elevation Drawings, dated 10/31/06, stamped by Eamon T. Kernan, Registered Professional Engineer
- Letter of Authorization from the landowner [copy from original application]

- Revised Structural Plans, dated 11/13/06, stamped by Vincent Pulselli, Registered Professional Structural Engineer.
- Revised photosimulations of the proposed facility from a variety of angles and vantage points.
- Report from Sal Ahlawat, Radio Frequency Specialist, dated December 23, 2005. [copy from original application]
- Cingular Wireless' FCC Licenses [copy from original application]
- Corporate Certificates for Cingular Wireless [copy from original application]
- Landowner's deed [copy from original application]
- Massachusetts Department of Public Health Policy regarding RF Approval
- FCC RF Exposure Regulations
- FAA Advisory Circular No. 70-7460.2K
- Copy of ZBA 2006-18, granted by the Zoning Board of Appeals, Wellesley, MA on March 17, 2006
- Cabinet Specifications, TYCO Electronics, Drawing I.D. H569471G2 Cabinet, Sheets 1, 2 and 3.
- Structural Engineering Summary, dated 11/20/06, stamped by Vincent Pulselli, Registered Professional Structural Engineer

On December 13, 2006, the Design Review Board reviewed the modified plans and recommended that the Zoning Board of Appeals approve the proposed modifications to the proposed antennas as presented.

#### 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.

Therefore, Special Permit ZBA 2006-18, is hereby amended to allow the Petitioner to eliminate the previously proposed equipment shelter and to relocate antennas to a single location on the western side of the building. Equipment will consist of outdoor cabinets located adjacent to the antennas on a 2 foot high 15 foot by 25 foot steel platform, set back 11.5 feet from the edge of the roof to the west, subject to the following conditions:

- The Petitioner shall submit a letter from the Structural Engineer defining the design dead load and the design live load and concluding that the weight of the future cabinets has been included in the design. Said report shall be submitted to the Board prior to the issuance of a Building Permit.
- A railing shall be installed along the platform if deemed necessary by the Building Inspector.

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

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Richard L. Seegel, Chairman

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J. Randolph Becker

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Robert C. Sechrest

cc: Planning Board  
Inspector of Buildings  
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