

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-70

Petition of Metro PCS Massachusetts, LLC
372 Washington Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, October 2, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of METRO PCS MASSACHUSETTS LLC requesting a Special Permit pursuant to the provisions of Section XXIIC and Section XXV of the Zoning Bylaw to install two antennas on an existing penthouse façade and two sets of ballast mount antennas setback 20 feet from the edge of the roof at a height of 47 feet 0 inches, at 372 WASHINGTON STREET, in a Business District.

On September 15, 2008, 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 George Hall, Esquire, Anderson & Kreiger LLP, who said that he was representing Metro PCS Massachusetts, LLC (the "Petitioner"). Also present were Michael Johnsen, Site Acquisition Specialist, Metro PCS, and Kamal Johari, Radio Frequency Engineer.

Mr. Hall said that the Petitioner is requesting a Special Permit to locate a wireless communications facility as a rooftop installation on the three-story brick professional building located at 372 Washington Street. He said that there is an existing AT&T wireless facility located there.

Mr. Hall said that six panel antennas are proposed, mounted at the roof level and facing in different directions. He said that two of the antennas will be mounted on an existing utility penthouse and will face towards the east. He said that the remaining four antennas will be two pole mounted ballasted facilities mounted on the roof, but set back from the northern edge of the roof to minimize the view from Washington Street.

Mr. Hall said that the Petitioner went before the Design Review Board (DRB) in June, 2008 with plans for a slightly different configuration. He said that the DRB asked the Petitioner to come back with alternative plans.

Mr. Hall said that the Petitioner went back before the DRB in July, 2008. The DRB decided at the meeting that the Petitioner should install pole mounted ballasted antennas because they have less mass to them. The location of the antennas was moved back from the edge of the roof to reduce visibility from the primary vantage points from east or west directions on Washington Street. Because the antennas were moved back from the edge of the roof, they needed to be raised up higher to maintain the same coverage.

Mr. Hall said that photographs of the existing building and photosimulations of the proposed facility were submitted to the Board. He said that the height at the top of the pole mounted antennas will be 47 feet 6 inches. The Board said that the pole mounted antennas are shown on Plan Z-2 at a height of 47 feet 0 inches, whereas the application letter describes them at 47 feet 6 inches. Mr. Hall said that the application letter reflects a misreading of the plan.

Mr. Johnsen said that the proposed antennas will be at a height of 47 feet. The Board confirmed that the proposed pole mounted ballasted antennas will be lower than the existing antennas.

The Board said that equipment in the cabinets shall be limited to those that will not create noise or vibrations. There shall be no standby emergency generators. Mr. Hall said that they will use gel batteries and there will be no generators.

The Board asked if the DRB had approved the plans that were submitted to the Zoning Board of Appeals for the Special Permit. The Board asked if the platform and crossover that are shown on Plan Z-1 reflect the DRB recommendations, as the grating and crossover appear to be visible on the elevations. Mr. Johnsen said that the walkover will be only 1.5 feet over the top of the roof.

The Board asked about design criteria for the pole mounted ballasted antennas. Mr. Johnsen said that a structural and wind load analysis will be submitted with their application to the Building Department. He said that a note can be added to the plans stating that the analysis will be submitted to the Building Department.

The Board said that the Petitioner must demonstrate that the proposed facilities comply with all Federal and State standards. The Petitioner had only submitted a statement of compliance. Mr. Johnsen said that a letter from the Massachusetts Department of Health regarding emissions and the FCC license were submitted. The Board said that it had not received the letter from the Department of Health and that the FCC license did not contain information specific to this location. Mr. Johnsen said that the FCC license is granted to Metro PCS for all of the area of operations. The Board said that the letter from the Department of Health regarding health and safety evaluations should be submitted.

Mr. Komali displayed and submitted maps showing proposed coverage from surrounding sites with and without the proposed antenna facility. He said that because the proposed facilities are new, there is no existing coverage.

Mr. Johnsen said that he will provide a copy of the lease agreement.

There was no one present at the Public Hearing who wished to speak to 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 to install two antennas on an existing penthouse façade, and two sets of ballast mount antennas setback 20 feet from the edge of the roof at a height of 47 feet 0 inches, that will exceed the height that is allowed by right.

The following materials were submitted:

- Letter in support of application, dated 7/10/08, signed by Scott F. Lacy, Esq., Anderson & Kreiger LLP
- Application & Antenna Survey
- Letter of Authorization, dated 6/9/2008, signed by Robert Alevizos, Lessor
- Statement, dated 6/13/08, signed by Kamal Johari, RF Engineer
- Map of Proposed Coverage from BOS0295C, prepared by Metro PCS
- Map of Proposed Coverage from Surrounding Sites without BOS0295C, prepared by Metro PCS
- Map of Proposed Coverage from Surrounding Sites with BOS0295C, prepared by Metro PCS
- Photographs of Existing Conditions and Photosimulations of Proposed Conditions, dated 9/14/08, prepared by Caron & Associates Design LLC
- Federal Communications Commission Radio Station Authorization, Registration # 0015005598, dated 11/29/06
- Plan T-1, Title Sheet, dated 7/18/08, revised 7/28/08 & 9/3/08, stamped by Daniel P. Hamm, Registered Professional Engineer
- Plan C-1, Plot Plan, dated 7/18/08, revised 7/28/08 & 9/3/08, stamped by Daniel P. Hamm, Registered Professional Engineer
- Plan Z-1, Roof Plan, dated 7/18/08, revised 7/28/08 & 9/3/08, stamped by Daniel P. Hamm, Registered Professional Engineer
- Plan Z-2, Elevations, dated 7/18/08, revised 7/28/08 & 9/3/08, stamped by Daniel P. Hamm, Registered Professional Engineer
- Plan Z-3, Details, dated 7/18/08, revised 7/28/08 & 9/3/08, stamped by Daniel P. Hamm, Registered Professional Engineer

On July 23, 2008 the Design Review Board voted to

Recommend the Zoning Board of Appeals approve the six antennas proposed to be located on the roof of 372 Washington Street as presented subject to the equipment cabinet being moved east towards the rear parking lot to hide the visibility.

On September 22, 2008 the Planning Board reviewed the request and concurred with the recommendation 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 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 installation of two antennas on an existing penthouse façade and two sets of ballast mount antennas setback 20 feet from the edge of the roof at a height of 47 feet 0 inches will not adversely impact adjacent properties.

Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for installation of two antennas on an existing penthouse façade and two sets of ballast mount antennas setback 20 feet from the edge of the roof at a height of 47 feet 0 inches, as shown on the Plans that were revised on 9/3/08, subject to the following conditions:

1. A letter from the Massachusetts Department of Health regarding health and safety evaluations shall be submitted to the Zoning Board of Appeals.
2. A Structural and Wind Load Analysis, prepared by a professional engineer, shall be submitted with the application to the Building Department.
3. The equipment cabinet shall be set back in accordance with the Design Review Board's recommendation.

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

J. Randolph Becker, Acting Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm