

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-71
Petition of Metro PCS MA LLC
978 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 8, 2009 at 7:30 p.m. in the Juliani Meeting Room, 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 for installation of 6 antennas located at a centerline height of 77 feet, 2 base transceiver system cabinets, 2 battery backup cabinets and 1 power & telephone cabinet, to replace the existing Sprint Facility, at 978 WORCESTER STREET, in a Business A District.

On September 21, 2009, 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 Brian Grossman, Esq., who said that he was representing Metro PCS MA LLC (the "Petitioner"). He displayed a plan of the existing site and existing fence.

The Board said that the existing buildings shown on the plan have been torn down and there will be new construction on the site. The Board said that the last tower came down. The Board said that it would need to see where the new structures will be located on the property.

Mr. Grossman said that they will be using the existing communications facility and will place the equipment within the existing fenced in perimeter.

Mr. Grossman said that also present at the hearing were Mike Johnsen and M. Sohail Usmani, Radio Frequency Expert.

Mr. Grossman said that the request is for a Special Permit to co-locate on the existing tower. He said that there used to be an existing Sprint Nextel facility on the tower and on the ground. He said that after Sprint and Nextel merged, they utilized the same existing shelter and location on the tower at 77 feet. He said that Metro PCS has leased the old Sprint area. He said that they will install their radio communications equipment in the same general area that Sprint had been located at. He said that there will be a slightly different configuration. He said that the original plans had the equipment going onto a concrete pad. He said that, after working with the Wetlands Protection Committee (WPC), it was decided that the equipment will be placed on an elevated steel platform on concrete piers. He said that there are three existing concrete piers. He said that one will be moved to accommodate a reconfiguration.

The Board asked if Metro PCS is awaiting an Order of Conditions from the WPC. Mr. Grossman said that they received a Negative Determination of Applicability from the WPC.

Mr. Grossman said that the equipment compound area will be reduced. He said that the existing fence on the eastern side will shrink by approximately four feet.

Mr. Grossman said that Metro PCS has a significant gap in coverage from west to east along Route 9. He displayed a coverage map at 77 feet. He displayed a coverage map at 45 feet and said that it would miss ½ of the coverage along Route 9.

Mr. Grossman said that the site will not have any adverse impact on adjacent properties.

Mr. Grossman said that the proposed facility will not impact traffic. He said that the site will be accessed only once or twice a month.

Mr. Grossman said that the existing tower is 105 feet, which is the same size as the tower that came down. Mr. Johnsen said that there were three sets of antennas on the tower that came down. He said that Sprint never put their new antennas on the tower.

The Board asked about the differences on the revised plan versus the plan that was submitted with the application. Mr. Grossman said that the original submittal included a concrete pad with no change in the fence location. He said that it had the same four equipment cabinets. He said that after that design was submitted there was further work done for the WPC for an elevated deck.

Mr. Grossman said that on Plan A-1, the Metro PCS equipment will be located on the eastern side. He said that the fence was moved in closer to the tower. He said that they will not alter the location of the existing swinging gates. He said that it will be chain link fence.

Mr. Grossman said that there is an existing telephone cabinet that will be removed. He said that a new telephone cabinet will be moved onto the new deck.

The Board asked about the height of the equipment platform. Mr. Johnsen said that it will be approximately 2 feet high. Mr. Grossman said that the equipment cabinets will be slightly higher than the fence but will look similar to the Sprint equipment.

The Board said that there is a note on the plan that a Structural Report has not been run for Metro PCS co-location. Mr. Grossman said that report will be provided to the Building Inspector. The Board said that it should be submitted to ZBA as well.

The Board said that a concern is that there will be mixed-used development going onto the site. The tower was replaced as a matter of right. The Board said that it would need to see information on the tower for fall zone and engineering characteristics for having three sets of antennas on the tower. Mr. Grossman said that they will submit the structural calculations.

The Board said that there will be families with children in the new housing construction on the site. The Board asked if there was anything in Mr. Grossman's experience that would indicate whether this will be

an attractive nuisance. Mr. Grossman said that cell sites are surprisingly uninteresting. He said that there isn't much there that is moving. He said that facilities have been located on school grounds. He said that there is a facility located on a ball field. The Board said that the cabinets must be locked at all times. Mr. Grossman said that the cabinets are locked and the facility is monitored at all times. He said that they use remote monitoring systems. He said that the site is visited once or twice a month.

A Board member stated that, for the record, he had represented Nextel at over 100 sites in the past, but not recently. He said that he does not have a conflict with granting a decision for the proposed facility.

The Board asked about the licensee, Metro PCS AWS, LLC, Dallas, Texas. Mr. Grossman said that it is a corporate structure. He said that it is a license holding company.

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 978 Worcester Street, in a Business A District.

The Petitioner is requesting a Special Permit for installation of 6 antennas located at a centerline height of 77 feet, 2 base transceiver system cabinets, 2 battery backup cabinets and 1 power & telephone cabinet, to replace the existing Sprint Facility.

Letter of Project Overview to the Zoning Board of Appeals, dated 8/19/09, signed by Brian S. Grossman, FCC Wireless Telecommunications Bureau Radio Station Authorization, dated 11//29/06, Affidavit of M. Sohail Usmani, Radio Frequency Expert, Title Sheet T-1, General Notes GN-1, Plans and Notes A-1, dated 6/26/09, revised 9/24/09, Elevation and Antenna Mounting Detail A-2, Equipment Plans, Structural Details and Notes S-1, One-Line Diagram, Risers and Details E-1, Electrical Notes, Grounding Riser and Details E-2, dated 6/26/09, revised 7/31/09, Letter of Authorization, dated 7/16/09, signed by Bruce Nicholson, AT&T, and photographs were submitted.

On August 12, 2009, the Design Review Board voted to approve the proposed antenna, with one member abstaining.

On October 7, 2009, 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 installation of 6 antennas located at a centerline height of 77 feet, 2 base transceiver system cabinets, 2 battery backup cabinets and 1 power & telephone cabinet, to replace the existing Sprint Facility 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 6 antennas located at a centerline height of 77 feet, 2 base transceiver system cabinets, 2 battery backup cabinets and 1 power & telephone cabinet, to replace the existing Sprint Facility, subject to the following conditions:

1. A finding from the Wetlands Protection Committee shall be submitted.
2. Structural Information for the tower shall be submitted.
3. A plot plan showing approved construction for the site shall be submitted.

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

If installation has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2009-71
Petition of Metro PCS MA LLC
978 Worcester Street

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.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm