

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-75
Petition of Clear Wireless 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 CLEAR WIRELESS, LLC requesting a Special Permit pursuant to the provisions of Section XXIIIC and Section XXV of the Zoning Bylaw for installation of 3 panel antennas located at a centerline height of 87 feet, installation of 3 backhaul dish antennas located at a centerline height of 91 feet, 1 BTS cabinet, 1 CDMA cabinet, and one backup battery cabinet, located at the existing 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 were Brian Grossman, representing Clear Wireless, LLC (the "Petitioner") and Anoop Jaikumar, Radio Frequency Engineer.

Mr. Grossman said that there is an existing Sprint installation at the middle level of the tower. He said that there are 9 panel antennas, three per sector on the existing platform. He said that Clear Wireless proposes 3 additional antennas, one per sector at the 87 foot antenna centerline. He said that 3 backhaul antennas will be located above the existing panel antennas but below the existing AT&T antennas. He said that they will be located at the 91 foot antenna centerline. He said that backhaul antennas are pure line of sight installations that communicate with dishes at other sites, so they require the height for unobstructed line of sight. He said that they will allow for the Broadband services that the facility will provide.

Mr. Grossman said that the cabling will be within the existing tower and on the existing ice bridge. He said that they will use the existing equipment racks in the shelter. He said that there is a proposed GPS antenna. He said that all of the antennas are required for the functionality of the site.

Mr. Grossman said that the facility will not impact the adjacent property or have any impact on traffic. He said that there will be no changes to the existing compound. He said that the facility is to provide wireless Broadband service.

The Board asked about the size of the round antenna. Mr. Grossman said that it is 2 feet in diameter. He displayed a color rendering of a dish that is similar to the proposed antenna.

Mr. Grossman said that coverage plots were submitted. He submitted a plot for coverage at 45 feet high.

The Board said that the previous tower took quite some time to burn and to collapse. The Board asked what materials were flammable. Mr. Grossman said that the tower is steel. He said that coaxial cables run inside the tower.

The Board asked if there is room for more antennas on the tower. Mr. Grossman said that the Structural Report will give statistics for capacity and propagation considerations. The Board said that the Structural Report should include all antennas.

The Board asked if there was any reason to be concerned about the proximity of the facility to the new housing construction. Mr. Grossman said that the facilities are installed by licensed carriers. He said that they need to comply with FCC Regulations.

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 3 panel antennas located at a centerline height of 87 feet, installation of 3 backhaul dish antennas located at a centerline height of 91 feet, 1 BTS cabinet, 1 CDMA cabinet, and one backup battery cabinet, located at the existing facility.

Letter of Project Overview, dated 9/3/09, signed by Jennifer E. Lewis, FCC Wireless Telecommunications Bureau Radio Station Authorization, dated 4/10/06, Engineering Affidavit, , dated 9/8/09, signed by Anoop Jaikumar, Title Sheet T-1, General Notes G-1, Compound & Equipment Layout Plans A-1, East Elevation A-2, Construction Details A-3, Electrical & Grounding Schematic E-1, Antenna Grounding Details E-2, dated 6/16/09, revised 7/23/09, Letter of Authorization, dated 6/22/09, signed by Scott Quitadamo were submitted.

On August 13, 2009, the Design Review Board recommended that the Zoning Board of appeals 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 3 panel antennas located at a centerline height of 87 feet, installation of 3 backhaul dish antennas located at a centerline height of 91 feet, 1 BTS cabinet, 1

CDMA cabinet, and one backup battery cabinet, located at the existing 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 3 panel antennas located at a centerline height of 87 feet, installation of 3 backhaul dish antennas located at a centerline height of 91 feet, 1 BTS cabinet, 1 CDMA cabinet, and one backup battery cabinet, located at the existing 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.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm