



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA2008-35

Site: 15 Weston Avenue

Date: July 10, 2008

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: MetroPCS Massachusetts LLC

Applicant Address: 285 Billerica Road, Chelmsford, MA 01824

Property Owner Name: Somerville Housing Authority

Property Owner Address: 30 Memorial Road, Somerville, MA

Alderman: Trane

Legal Notice: The applicant seeks Special Permit Approval under SZO §7.11.15.3 for the installation of a wireless communications facility.

Zoning District/Ward: RB and NB / 7

Zoning Approval Sought: Special Permit under SZO§7.11.15.3

Date of Application: June 11, 2008

Date(s) of Meetings/Public Hearing: (PB: July 17, 2008 / ZBA: July 23, 2008)

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 23,612 s.f. parcel located within a Neighborhood Business (NB) zoning district. Weston Manor is a Somerville Housing Authority development located on the site. The building is an eight (8) story, 83 (including 3' parapet) feet high, brick structure.

2. Proposal: The applicant, MetroPCS, is proposing to install wireless communications equipment, including six (6) façade-mounted panel-style antennas, one (1) GPS antenna, five (5) roof top mounted equipment cabinets and associated cabling and equipment.

The rooftop equipment is proposed to extend 9' 6" from the roof top (6' 6" above the roof line due to the parapet). The GPS antenna would extend an additional 2' from the rooftop equipment. A proposed steel

platform to support the cabinets is 10 feet by 16 feet and located at least 23' from the building edge on all sides.

The façade mounted panel antenna's are approximately 51" in height and are proposed to be located on the north and south corners of the building just below the roof line.

3. Nature of Application: Under SZO §7.11.15.3 establishment of a wireless communications facility requires a Special Permit approval.

4. Surrounding Neighborhood: This property is located approximately 75' from Broadway. To the front of the property and along Weston Avenue are commercial and light industrial uses. There is also a condominium development of approximately 20 units on a property that abuts the Housing Authority's property. To the rear of Weston Manor, along Endicott Avenue, are predominantly two and three family homes.

5. Impacts on Abutting Properties: The façade mounted antennas and the proposed cabinets would be visible from certain locations surrounding the property. The façade mounted antennas would be especially visible due to their proposed locations below the roof line.

6. Green Building Practices: None indicated.

7. Parking: Additional parking would not be required.

6. Comments:

Fire Prevention: Deputy Chief Steve Keenan has reviewed the application and stated, "The proposed installation of a wireless communications facility would require a code compliant fire alarm and /or fire suppression system per NFPA codes, etc".

Alderman: Alderman Trane has been contacted and has not yet provided comments

II. FINDINGS FOR SPECIAL PERMIT (SZO§7.11.15.3):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

The Applicant seeks a special permit under §7.11.15.3 of the SZO which requires the applicant to follow guidelines and procedures set forth in Article 14 for the, "regulation of wireless telecommunications

facilities so as to allow and encourage such uses in the City with minimal harm to the public health, safety, and general welfare."

Staff finds that the proposal would not be substantially more detrimental to the area than the existing structure and minimal harm would be imposed upon the health, safety and welfare of the surrounding neighborhood. Staff finds that the visible impact of the additional antennas and the proposed equipment would be acceptable under the conditions imposed by this report, which includes the screening of the proposed cabinets and relocation of the antennas above the roofline. Electrical Engineer and Radio Frequency Specialist, M. Sohail Usmani, stated in a letter to the ZBA that the, "proposed facility complies with all applicable Federal and State standards, including those regarding radio-frequency emissions."

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The Staff finds that the proposal, as conditioned, **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance; and, with those purposes established for the Neighborhood Business (NB) and Residence B (RB) district in which the property is located, namely, "(t)o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods" (NB). And, "(t)o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts" (RB). Staff finds the addition of the antennas and associated equipment, as conditioned, will neither negatively affect the local commercial uses, nor the medium density character of the residences in the area.

The Staff finds that the proposal as conditioned **is consistent** with the purposes set forth in Article 14 of the Zoning Ordinance as conditioned in this report, to:

- a) *Protect residential areas and land uses from potential adverse impacts of towers and antennas;*
- b) *Encourage the location of telecommunications facilities in non-residential areas;*
- c) *Minimize the total number of towers and antennas throughout the community;*
- d) *Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;*
- e) *Encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal;*
- f) *Encourage users of towers and antennas to configure them in ways that minimize the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;*
- g) *Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;*

- h) *Consider the public health and safety of communications facilities; and*
- i) *Avoid potential damage to adjacent properties from tower and antenna failure through sound engineering and careful siting of structures.*

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

Staff finds the project to be compatible with the surrounding area and land uses. The proposed location of the antennas on the building façade would have a negative affect on the surrounding neighborhood and detract from the appearance of the building. The rooftop shelter is 9'6" in height and at no point is closer than 23' from the building's edge. From Weston Avenue and the rear of the structure the cabinet platform is set back approximately 23' from the building edge. From either side the set back is at minimum 35', which will limit the visual impact of the cabinet. A condition that the cabinets are screened with a material visually similar to the building and that the antennas be relocated above the roof line will work to reduce the impact.

5. Review Criteria for Telecommunications Facilities: In addition to those standards outlined in Section 5.1 for the granting of special permits, the SPGA shall consider the following factors in determining whether to issue a special permit for a telecommunications facility:

- a) *Height of proposed facility:* The existing building has an 80' high roof top with a 3' parapet, which creates an 83' high roofline. The rooftop platform and associated equipment is proposed to be 9' 6" tall as measured from the rooftop (6' 6" above the roofline). The GPS antenna would extend 2' above the cabinets and the six (6) 51.5" tall antennas would be mounted on the side of the building, near the top, but not extending above the roofline. Staff finds that three (3) penthouses and one (1) equipment platform currently exist on the roof. One of the penthouses extends 16' above the roof top (13' above the roofline), other penthouses are of comparable height to the proposed MetroPCS equipment.
- b) *Proximity of facility to residential structures and residential zoning districts:* The building at 15 Weston Avenue is a residential structure in both Neighborhood Business and Residence B districts. Other residential structures directly abut this property. Staff finds that several companies currently have wireless communications equipment on this structure and additional equipment would have limited impact on the surrounding residential structures.
- c) *Nature of uses on adjacent and nearby properties:* Surrounding properties are mixed use in nature and, Staff finds, compatible with the proposed use.
- d) *Surrounding topography and prominence of proposed facility:* The surrounding area is relatively flat and there are no other buildings of comparable height or prominence in the surrounding area. Though the proposed rooftop antennas are visible from several vantage points, the proposal to match them to the color of the building, and the condition to raise them above the roof line, will reduce their prominence from any public way.

- e) *Surrounding tree cover and foliage:* The surrounding area includes a park and has several street trees that are significantly lower in height than the proposed antennas and will be unaffected by this proposal.
- f) *Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, as specified in Section 14.3:* Not applicable.
- g) *Location of tower, with particular reference to the existence of more suitable locations, as specified in Section 14.3:* Not applicable.
- h) *Proposed ingress and egress:* Ingress and egress to the site will be at the existing curb cut for the property and use existing parking and circulation patterns.
- i) *Distance from existing facilities:* (See figures B and C)
- j) *Availability of suitable existing towers, poles, other structures, or alternative technologies, as discussed in Section 14.5.2:* The attached report prepared by the applicant's professional radio frequency engineer indicates that this location was chosen by MetroPCS, "due to the existing use of the property for wireless communications use, the city's preference for use of city-owned properties for wireless communications sites, and the location and overall height of the property, which provides the opportunity for reasonable service coverage in this area of Somerville".

III. RECOMMENDATION

Special Permit under SZO §7.11.15.3

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

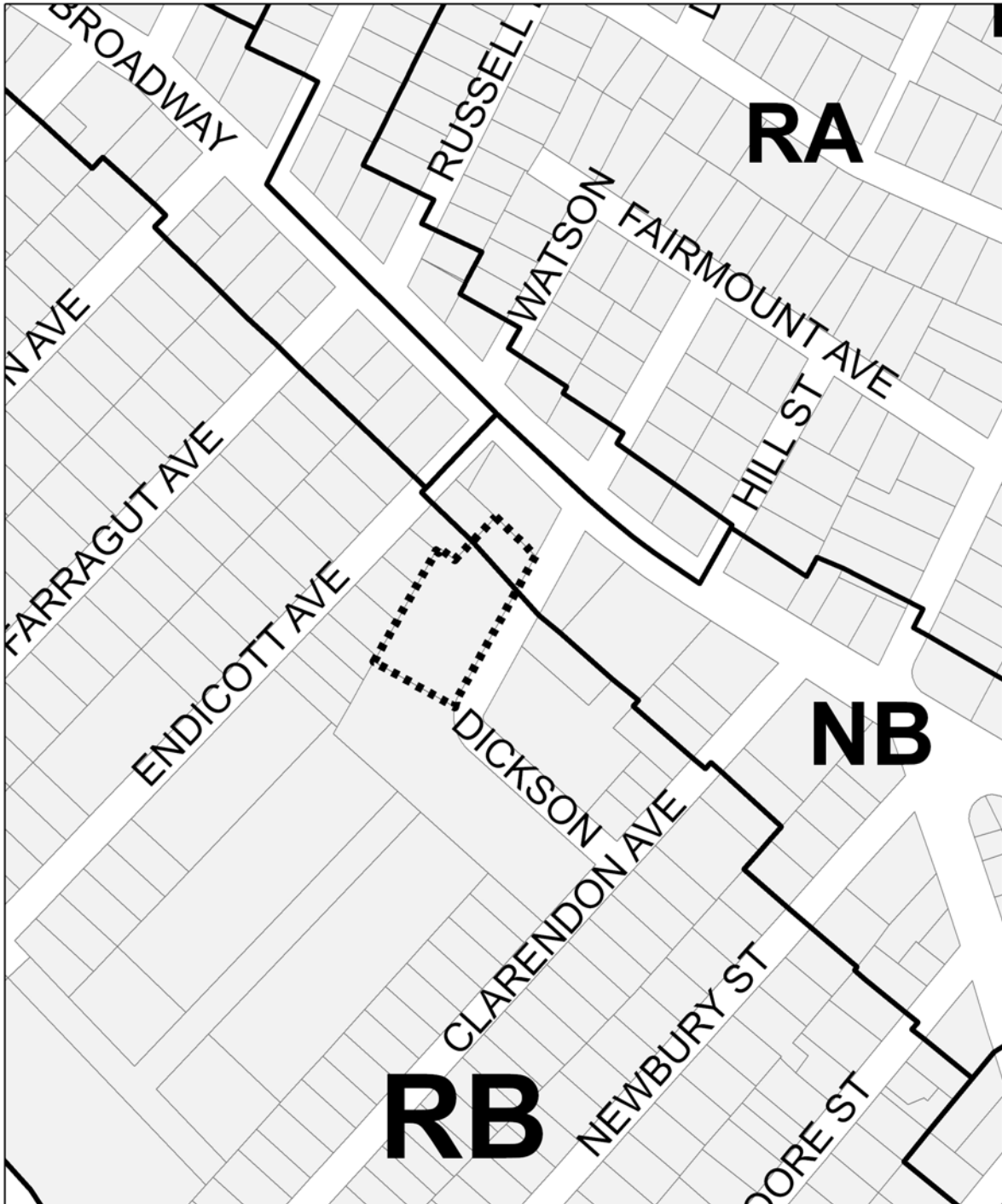
Staff finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and Article 14.

Although the Planning Staff is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the establishment of six (6) wireless antennas, one (1) GPS antenna, rooftop mounted equipment cabinets on a 10' by 16' steel platform and associated cabling and equipment. This approval is based upon the following application materials and the plans submitted by the Applicant and/or contractor:	BP/CO	PLNG.	
	<table><tr><th>Date</th><th>Submission</th></tr></table>			
Date	Submission			

	June 11, 2008	Initial application, submitted to the City Clerk's Office.			
	TBD	P.E. materials, plans, elevations and photograph renditions submitted to OSPCD			
	Any changes to the approved site plan, photograph renditions and/or elevations must receive ZBA approval.				
2	<p><i>Compliance with Noise Control Ordinance.</i> Prior to the issuance of a Certificate of Use and Occupancy Permit for the installation of the wireless telecommunications facility, the Applicant shall submit to the Inspectional Services Department, with a copy to the Zoning Board of Appeals, a sound level measurement certified as accurate by a professional acoustician and shall perform such sound level measurements six months after issuance of the certificate of occupancy, with subsequent sound level measurements annually on or before the anniversary date of the original six month measurement to document that all of the Applicant's installed equipment complies and continues to comply with the decibel level standards established by the City of Somerville, Noise Control Ordinance. The Applicant shall provide the results of such measurements and certify that the facility complies with the decibel level standards established by the City of Somerville, Noise Control Ordinance, with a copy to the Zoning Board of Appeals.</p>		CONT.	ISD	
3	<p><i>Compliance with Federal Communications Commission Guidelines for Human Exposure to Electromagnetic Fields.</i> To ensure compliance with the standards established by the Federal Communications Commission Office of Engineering and Technology ("FCC") in OET Bulletin 65 as adopted by Massachusetts Department of Public Health under 105 CMR 122.021, the Applicant shall perform measurements, within two (2) months of the date that the Applicant's wireless telecommunications facility commences operation and at intervals of twelve (12) months thereafter, to establish that the Applicant's wireless telecommunications facility complies and continues to comply with the FCC guidelines and applicable state regulations for human exposure to radio frequency electromagnetic fields for human exposure to radio frequency electromagnetic fields. The Applicant shall provide the results of such measurements with certification of compliance to the City of Somerville, Health Department, with a copy to the Zoning Board of Appeals.</p>		CONT.	BOH	
4	Any antenna that is not operated continuously for a period of twelve (12) months shall be considered abandoned, and the		CONT.	ISD	

	owner of such antenna shall remove the same within ninety (90) days of notice from the City of Somerville informing the owner of such abandonment.			
5	The applicant shall submit to OSPCD a revised plan enclosing the cabinets and associated equipment on the steel platform with materials that reflect that of the structure.	SPGA approval	PLNG.	
6	The applicant shall submit to OSPCD a revised plan relocating the wireless antennas above the roofline of the building.	SPGA approval	PLNG.	
7	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	FINAL SIGN OFF	PLNG.	



15 WESTON AVENUE