



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2010-32

Site: 175 Beacon Street

Date: September 16, 2010

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 175 Beacon Street

Applicant Name: New Singular Wireless PCS, LLC by and through its Manager, AT&T Mobility Corp.

Applicant Address: 550 Cochituate Road Suites 13 and 14 Framingham, MA 01701

Property Owner Name: Beacon Associates, Inc.

Property Owner Address: c/o Jet Realty 380 Broadway P.O. Box 45014 Somerville, MA 02145

Agent Name: Michael R. Dolan, Esq.

Alderman: Maryann Heuston

Legal Notice: Applicant, New Singular Wireless PCS LLC, by and through its Manager, AT&T Mobility Corp. and Owner, Beacon Associates, Inc. seek a Special Permit under SZO §7.11.15.3 and Article 14 to install wireless communications equipment on roof of building and a Special Permit under SZO §4.4.1 to expand a non-conforming structure, exceeding height requirements by placing new equipment and decorative chimneys to conceal rooftop wireless equipment on the roof of the structure.

Zoning District/Ward: NB / 2

Zoning Approval Sought: Special Permit per §5.1 and §5.3 under SZO §4.4.1; §7.11.15.3, and Article 14

Date of Application: June 22, 2010 updated August 24, 2010

Date(s) of Public Meeting/Hearing: PB 9/16/10 - ZBA 10/6/10

I. PROJECT DESCRIPTION

1. Subject Property: The 175 Beacon Street property is an approximately 28030 sf lot. On the property is a 5 story brick apartment building and a ground floor parking area. The total height of the structure is approximately 48 ft.

2. Proposal: The applicant is proposing to install wireless telecommunications facility, in three (3) stealth chimneys and base station equipment, on rooftop of multi-story apartment building. Installation of the equipment would increase the height of the building by 10 feet.



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3. Nature of Application: Under SZO §7.11.15.3 establishment of a wireless communications facility requires a Special Permit approval. The application is also increasing a non-conforming height in this zone. Note that the applicant also submitted application for variance in case staff deemed that variances were necessary. The staff does not believe that this case requires a variance, but has submitted recommendation that the applicant receive a special permit under §4.4.1 for expansion of the non-conforming height of the structure

4. Surrounding Neighborhood: The surrounding neighborhood is a mix of residential and commercial uses, though primarily residential.

5. Green Building Practices: None indicated.

6. Comments:

Fire Prevention: Has been contacted and has not provided comments.

Alderman: Has been contacted. Alderman Heuston requested a full set of plans but has not provided comments at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO§7.11.15.3 and SZO §4.4.1):

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."

Guidelines in Article 14 of the SZO state that antennas should not be located more than 10ft above the roofline, should be located at a minimum of 10ft from the roof edge and below a forty-five degree plane beginning at the cornice of the building. The proposed new antennae are all below a forty-five degree plane beginning at the cornice, and are all located more than 10 ft from the roof edge. The installation at its top height is 10 feet above the higher roof line on which the equipment is mounted.

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) district in which the property is located, namely, "To 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." Staff finds the addition of the antennas and associated equipment, as conditioned, will neither negatively affect the local commercial uses, nor the multi-family 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 visual impact of the antennas will be minimized through the use of stealth chimneys. These structures, as proposed, would result in an addition that would appear to be apart of the existing structure. No trees, vegetation, or other landscape features would be cut or removed in connection with the installation of the antennas.

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 approximately 48 ft roof, with an approximately 10 foot high penthouse. Equipment is mounted on the top of the 48 foot



roof. The maximum height of new equipment would be 58 feet.

- b) *Proximity of facility to residential structures and residential zoning districts:* The building at 175 Beacon Street is an apartment building in Neighborhood Business (NB) district. It is surrounded on three sides by parcels in zone RB, Residence B. Other, smaller residential structures directly abut this property.
- 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 fairly flat. This is the tallest building in this immediate vicinity. The addition of these structures will be minimally visible as proposed.
- e) *Surrounding tree cover and foliage:* The surrounding area features 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:* The visibility of antennas will be mitigated through the use of three stealth chimneys that will appear to be part of the structure.
- 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 front entrance, there is one existing curbcut to access the parking area.
- i) *Distance from existing facilities:* There are five other existing AT&T antennas currently established in Somerville; 230 Highland Ave, 252 Medford St, 27 College Ave, 425 Broadway, and 25 Webster Ave. This site is a significant distance away from the existing facilities, and will enhance the cellular coverage in this area.
- j) *Availability of suitable existing towers, poles, other structures, or alternative technologies, as discussed in Section 14.5.2:* This site provides the optimal location for AT&T technologies

III. RECOMMENDATION

Special Permit under SZO §7.11.15.3 and §4.4.1

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

Staff finds that this application complies with the requirements for granting a special permit as set forth under §4.4.1, §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	<p>Approval is for the installation of three ballast mounted antenna arrays concealed within stealth chimneys containing a total of six antenna panels, cables and related equipment. This approval is based upon the following application materials and the plans submitted by the Applicant and/or contractor:</p> <table><tr><th>Date (OSPCD Stamp)</th><th>Submission</th></tr><tr><td>9/14/2010</td><td>Initial application, submitted to the City Clerk’s Office.</td></tr><tr><td>(8/24/10)</td><td>Plans, elevations and photograph renditions submitted to OSPCD.</td></tr></table> <p>Any changes to the approved site plan, photograph renditions and/or elevations that are not <i>de minimis</i> must receive ZBA approval.</p>	Date (OSPCD Stamp)	Submission	9/14/2010	Initial application, submitted to the City Clerk’s Office.	(8/24/10)	Plans, elevations and photograph renditions submitted to OSPCD.	Building permit	PLNG.	
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9/14/2010	Initial application, submitted to the City Clerk’s Office.									
(8/24/10)	Plans, elevations and photograph renditions submitted to OSPCD.									
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.</p>	Continued	ISD							



3	<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.	Continued	BOH	
4	Any antenna that is not operated continuously for a period of twelve (12) months shall be considered abandoned, and the 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.	Continued	ISD	
5	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	Building permit	PLNG.	
6	The applicant shall identify and inform Planning Staff of any non-operating wireless equipment from any carrier prior to installation.	Building permit	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 signoff	PLNG.	

