



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2010-02
Date: March 18, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 39R MEDFORD STREET

Applicant Name: MetroPCS Massachusetts, LLC
Applicant Address: 185 Billerica Road, Chelmsford, MA 01824
Property Owner Name: Sure Lock Building Trust
Property Owner Address: 3 Seal Harbor Road, Winthrop, MA
Alderman: Heuston

Legal Notice: Applicant, MetroPCS Massachusetts, LLC and Owner, Sure Lock Building Trust, seeks a Special Permit under SZO §7.13.I in order to install a self-contained backup generator for a wireless communications facility.

Zoning District/Ward: TOD100 / 2
Zoning Approval Sought: Special Permit under SZO §7.13.I
Date of Application: February 8, 2010
Date(s) of Public Hearing: PB 3/18/10
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 28,500 s.f. parcel located within a TOD100 District. On the property is a 54,148 g.s.f. self-storage facility operating under the name Planet Self Storage. The rear of the property is adjacent to railroad tracks and a Business A zoning district.
2. Proposal: The applicant, MetroPCS, is proposing to install a self-contained emergency backup generator to support its existing 1200 sf wireless communications equipment that has been installed in the interior of the existing warehouse (Special Permit issued 5/7/08, ZBA #2008-15). The



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applicant is proposing to construct a 125 sf concrete pad in the southwest corner of the lot adjacent to the railroad right of way. On this pad would be situated a diesel generator surrounded by a 3.3 ft wide by 8.6 ft long by 7 ft tall weather enclosure. Bollards and chain link fencing are proposed to protect the generator from vehicle damage.

3. Nature of Application: Under SZO §7.13.I establishment of a wireless communications facility requires a Special Permit approval according to Article 14 of the SZO

4. Surrounding Neighborhood: The area immediately surrounding the property has a mix of industrial uses. Railroad tracks are located along the rear of the building and additional industrial uses are located across the tracks.

5. Green Building Practices: None indicated.

6. Parking: Parking would not be impacted by this installation. Though the generator would be situated on what appears to be a parking space, this is not a legal parking space supporting the use on the site. While it could have been used for patrons and employees on the site, this space required access via railroad right of way and not legal parking space under the SZO. Additional on-site spaces that require access via the right of way (approximately 30, beside the building) are also not legal parking spaces under the SZO, but access to them over the right of way will not be impacted by this installation.

7. Comments:

Fire Prevention: William Lee, Steven Keenan, Bill Hallinan and Kevin Kelleher have been contacted and have not yet provided comments.

Alderman: Alderman Heuston has been contacted and has not yet provided comments.

ISD Wiring Inspector: John Power has been contacted and has not yet provided comments.

Historic Preservation: Kristi Chase does not consider it necessary to review this proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO§7.13.I):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 and Article 14 of the SZO. This section of the report goes through these sections 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 §7.13.I 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 proposed generator is at minimum 100 ft from any neighboring structure and that the use of the generator would be limited to emergency conditions when electricity is not being provided to the site. A condition will be placed on this approval recommendation that the applicant must receive appropriate approvals from Fire Prevention in order to proceed with installation.

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 **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance; and is not inconsistent with those purposes established for the TOD100 zoning district in which the property is located, namely "(t)o provide for a mix of uses within buildings. This generator would support the existing wireless facility which is currently installed within the structure and will be screened according to Article 14 guidelines.

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 generator would support the existing wireless use and keeps with the current office, manufacturing, and warehousing uses in the area. Staff finds the nature of this equipment and its location in the rear yard away from any residences to be appropriate and would have negligible visual affect on the surrounding area. Though from a zoning viewpoint the location is appropriate, Fire Prevention could possibly have concerns about the location and will need to review and approve the plans prior to installation.

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 proposed generator is on ground level.
- b) *Proximity of facility to residential structures and residential zoning districts:* There is a Residence B zoning district and residential structures approximately 300' from the proposed location of the generator. The building itself is situated between the proposed generator and the residences in the Residence B district.
- c) *Nature of uses on adjacent and nearby properties:* There are limited uses directly adjacent to the site including industrial office, office, industrial warehouse and commercial retail uses.
- d) *Surrounding topography and prominence of proposed facility:* The elevation of the area is low and the surrounding area is relatively flat. The proposed equipment would be located at grade and would stand at a maximum height of 7 ft limiting the prominence and visibility of the facility.
- e) *Surrounding tree cover and foliage:* This area is largely devoid of any tree cover or natural features.
- f) *Design of tower, with particular reference to design characteristics that have the effect on 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:* It was decided in a prior approval that this site was a suitable location for the wireless equipment that has been installed within the structure. This proposed generator serves as support to that installation in the event of emergency electrical outages.
- h) *Proposed ingress and egress:* Ingress and egress to the site will be at the existing curb cut for 39R Medford Street on Medford Street. Access to the equipment would be through the existing parking lot. The applicant will be required to show that access to the generator site exists that is satisfactory to Fire Prevention.
- i) *Distance from existing facilities:* Not Applicable
- j) *Availability of suitable existing towers, poles, other structures, or alternative technologies, as discussed in Section 14.5.2:* Not Applicable

III. RECOMMENDATION**Special Permit under SZO §7.13.I**

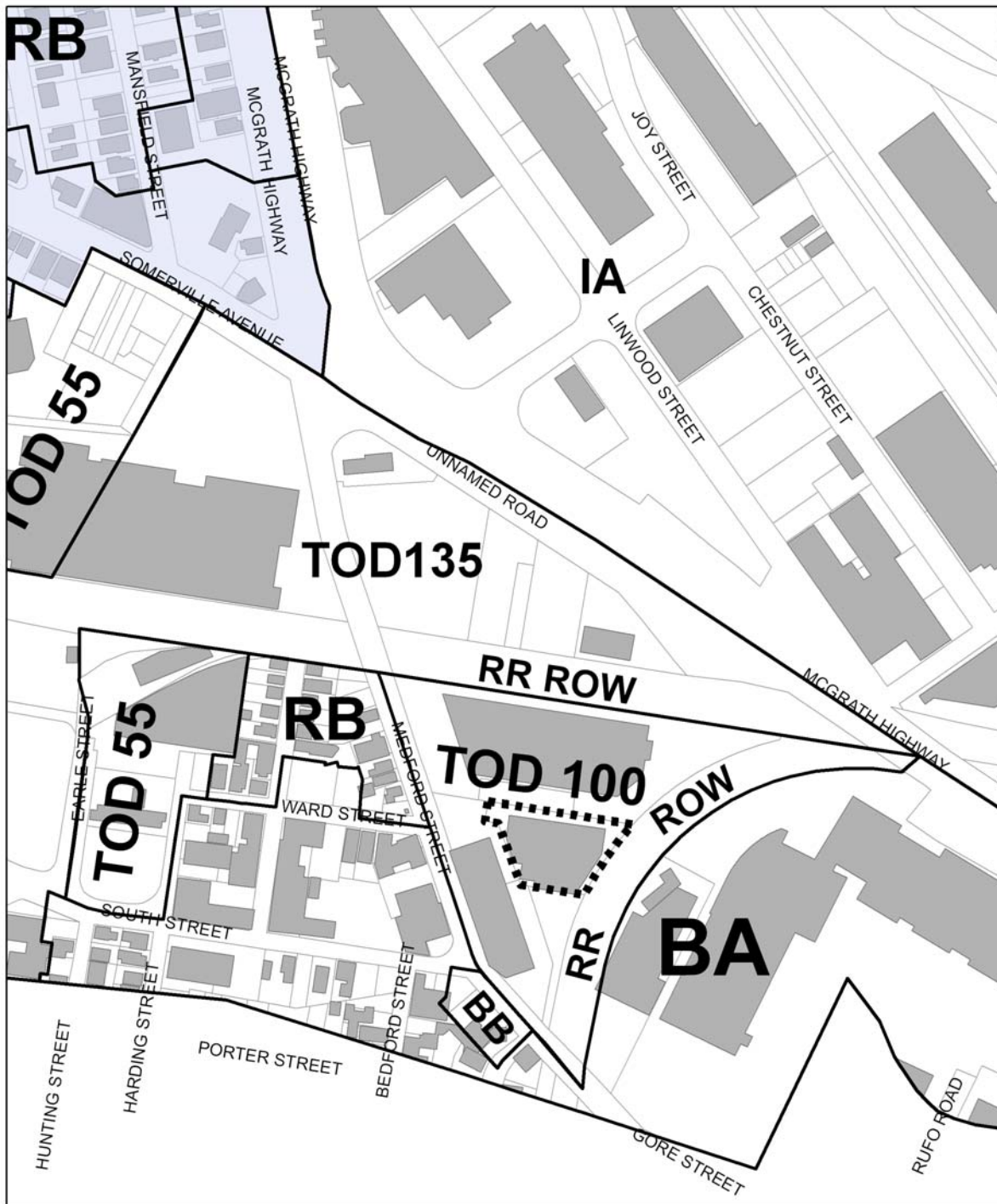
Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

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, three (3) rooftop mounted equipment cabinets with a battery backup cabinet on a 10 ft by 20 ft steel platform with associated cabling and equipment. This approval is based upon the following application materials and the plans submitted by the Applicant and/or contractor:	Building permit	PLNG									
	<table><tr><th>Date (OSPCD Stamp)</th><th>Submission</th></tr><tr><td>12/10/09</td><td>Initial application, submitted to the City Clerk’s Office.</td></tr><tr><td>10/21/09</td><td>Engineering affidavit</td></tr><tr><td>(1/19/10)</td><td>Existing sites, plans, elevations and photograph renditions submitted to OSPCD. (T1, C1-2, Z1-2)</td></tr></table>				Date (OSPCD Stamp)	Submission	12/10/09	Initial application, submitted to the City Clerk’s Office.	10/21/09	Engineering affidavit	(1/19/10)	Existing sites, plans, elevations and photograph renditions submitted to OSPCD. (T1, C1-2, Z1-2)
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Any changes to the approved site plan, photograph renditions and/or elevations that are not <i>de minimis</i> must receive ZBA approval.												
2	The generator and associated equipment shall meet all codes, access requirements, and any additional requirements set by Inspectional Services, Fire Prevention or any other City Department.	BP	ISD FIRE									
3	<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 or associated equipment, 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	Continued	ISD									

	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.			
4	In the event that this facility is no longer used for wireless communications equipment the applicant shall remove the generator and associated fencing, bollards, etc from the site.	Continued	ISD	
5	The applicant shall camouflage and/or screen the installed generator equipment to be approved by Staff	Final signoff	PLNG	
6	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	



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