



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA2008-49

Date: October 9, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

SITE: 844 McGrath Highway

Applicant Name: FiberTower

Applicant Address: 202 Broadway, Providence, RI 02903

Property Owner Name: GTP Acquisition Partners LLC

Property Owner Address: 1801 Clint Moore Road, Suite 110 -Boca Raton, FL 34387

Alderman: Roche

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: ASMD PUD-A / 1

Zoning Approval Sought: Special Permit under SZO§7.11.15.3

Date of Application: September 3, 2008

Date(s) of Meetings/Public Hearing: (PB: October 2, 2008 / ZBA: October 15, 2008)

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on October 2, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), with Kevin Prior absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is an 111,970 s.f. parcel located within the Assembly Square Mixed-Use District (ASMD). The La Quinta Hotel is located on the property. The building is a seven (7) story, 62 foot high, brick structure with a series of penthouse structures that extend up to 84 feet in height, 24 feet above the roof.

2. Proposal: The FiberTower Corporation is proposing to install wireless communications equipment, consisting of one (1) pipe mounted antenna approximately 1 foot in diameter, one (1) approximately 21 inch by 15 inch by 25 inch equipment cabinet and associated cabling. The antenna would be mounted on the eastern side of the penthouse 10 feet above the rooftop and approximately 20 feet from the building edge. The equipment cabinet would be mounted on the side of an existing penthouse approximately 5 feet from the rooftop and approximately 15 feet from the roof edge. Associated cabling on the roof will connect the antenna with the equipment cabinet.

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

4. Surrounding Neighborhood: The property is located adjacent to Interstate 93 at the intersection of McGrath Highway, Fellsway West and Mystic Avenue. The block where this structure is located is composed predominantly of commercial and industrial uses. Across Fellsway West is a residential district, with the closest residential use at a distance of about 250 feet.

5. Green Building Practices: The applicant stated that, "FiberTower's small cabinet uses less power and energy than the typical equipment. (A micro cabinet requires 110VAC 20 amp circuit. The regular size cabinet requires 220VAC 30 amp circuit.) Additionally, there is no A/C used for the cabinets, thus eliminating potentially harmful refrigerants from the environment."

6. Comments:

Fire Prevention: Deputy Chief Steve Keenan has contacted and has not provided comments.

Alderman: Alderman Roche has been contacted and has not provided comments.

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

III. RECOMMENDATION

Special Permit under SZO §7.11.15.3

Based on the findings in Appendix A (attached), the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**, attaching the following conditions:

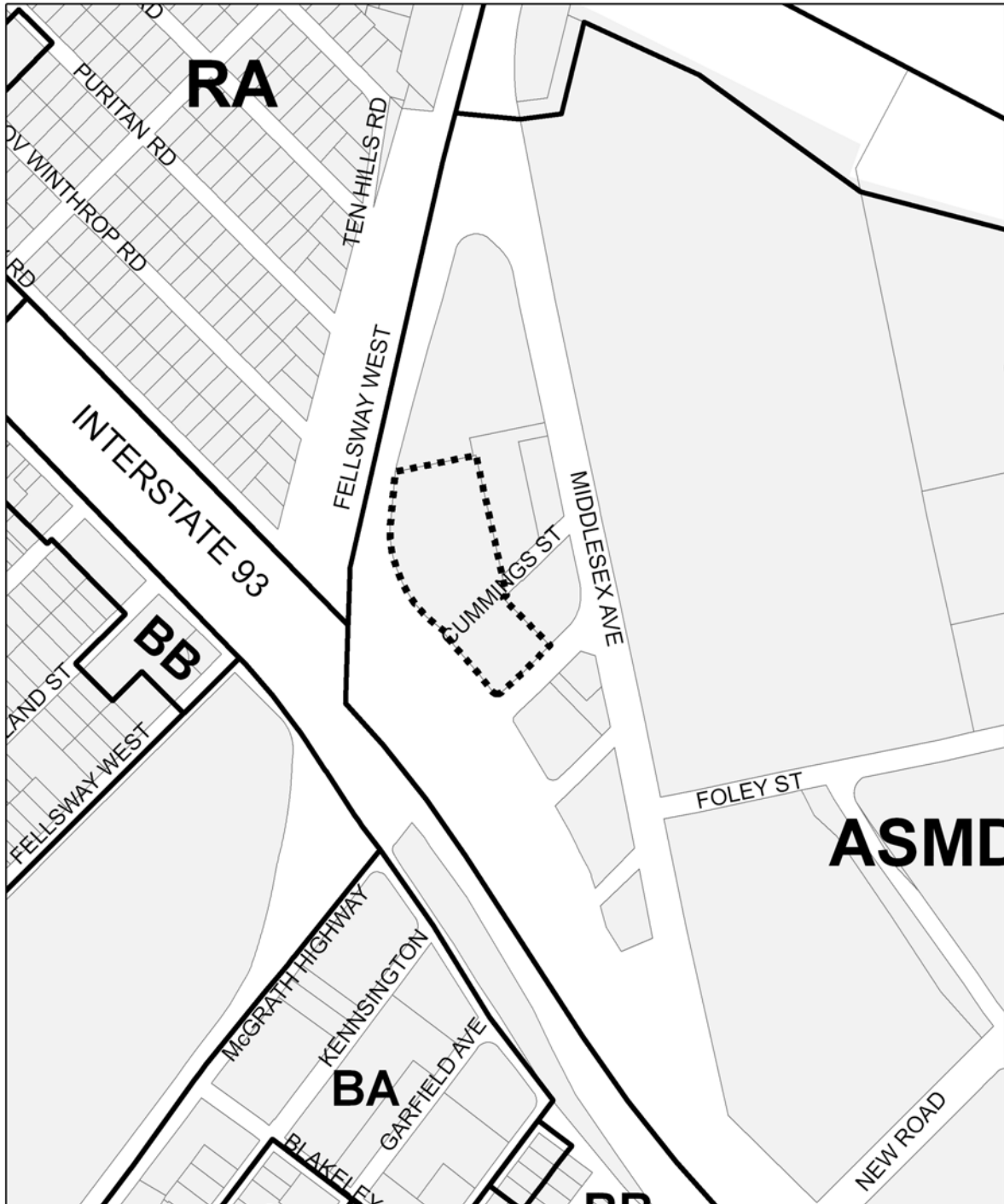
#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the establishment of a single pipe mounted antenna of approximately 1 foot in diameter, an approximately 21 inch by 15 inch by 25 inch equipment	BP/CO	PLNG.	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
	<p>cabinet and associated cabling. This approval is based upon the following application materials and the plans submitted by the Applicant and/or contractor:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>September 3, 2008</td><td>Initial application, plans, elevations and photograph renditions submitted to the City Clerk’s Office.</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	Submission	September 3, 2008	Initial application, plans, elevations and photograph renditions submitted to the City Clerk’s Office.			
Date	Submission							
September 3, 2008	Initial application, plans, elevations and photograph renditions submitted to the City Clerk’s Office.							
2	The antenna shall be painted to match the color of the penthouse to which it is attached.	CO	PLNG.					
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, 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.	CONT.	ISD					
4	<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	CONT.	BOH					

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
	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.			
5	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.	CONT.	ISD	
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 SIGN OFF	PLNG.	



Elizabeth Maroney
Acting Chairman



844 McGRATH HIGHWAY

Findings for SP for Wireless Communications Facility

844 McGrath Highway
ZBA2008-49
Applicant: FiberTower

In order to grant a special permit the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO.

The Planning Board made the following findings:

7.11.15.3 Special Permit for Wireless Communications Facilities		The Planning Board finds that the condition is		The Planning Board finds that:
	<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Change / Mitigation Needed or Other Comments</i>
1. Information Supplied	As required by 5.1.2 of SZO	X		The information provided by the Applicant allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. Compliance with Standards	As required by §7.11.15.3 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."	X		See Section 5 below.
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."	X		As conditioned, the proposal would not be more detrimental to the area than the existing structure. This proposal is consistent with the purposes of the SZO, specifically to "to facilitate the adequate provision of ...other public requirements; to ...increase the amenities of the municipality" (SZO §1.2), and with the specific purposes of Article 14 as noted below (not all purposes are applicable to the application).
	a) <i>Protect residential areas and land uses from potential adverse impacts of towers and antennas;</i>	-	-	The applicant has stated that this facility complies with all Federal and State regulations and the FiberTower Corp. is registered with the FCC.
	b) <i>Encourage the location of telecommunications facilities in non-residential areas</i>	-	-	

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	<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Change / Mitigation Needed or Other Comments</i>
	<i>c) Minimize the total number of towers and antennas throughout the community;</i>	-	-	Staff will confer with the site manager and confirm that there are no unused antennas on the facility. Staff will explain to the property owner that it is their responsibility to remove any abandoned facilities.
	<i>d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;</i>	-	-	This site is a collocation facility used by other service providers. FiberTower utilizes a "point-to-point" form of technology as opposed to a broadcast coverage area. The applicant has stated that FiberTower is proposing to co-locate on an existing telecommunications site that will satisfy the desired line of sight coverage for their network. The site is appropriate due to the existing use of the property for wireless communications use and the location and overall height of the property.
	<i>e) Encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal;</i>	-	-	Facilities are set back 250 feet from the nearest residential sites and are located along a busy State highway.
	<i>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</i>	-	-	Facilities have been configured on the roof to minimize visual obtrusiveness. In addition, the height of the building gives the facility a great degree of obscurity from the ground level in the surrounding area. A condition of approval will be to paint the antenna and equipment to match the color of the structure.
	<i>g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;</i>	-	-	

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	<i>h) Consider the public health and safety of communications facilities; and</i>	-	-	Standard conditions direct compliance with Noise Control Ordinance and FCC Guidelines for Human Exposure to Electromagnetic Fields, and require regular reporting.
	<i>i) Avoid potential damage to adjacent properties from tower and antenna failure through sound engineering and careful siting of structures.</i>	-	-	Structural drawings have been provided and will be subject to building code review.
<i>4. Site & Area Compatibility</i>	Ensure that project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."			The proposed antenna is consistent with the current built context in the area, as it is proposed to be situated on the wall of the penthouse and would not alter the roofline of the building. The surrounding area is relatively flat and conditions would require the rooftop antenna components to be painted to match the building. Several antennas placed by other companies exist on the rooftop; the addition of a single antenna and equipment cabinet will have limited visual impact.
<i>5. Review Criteria for Telecommunications Facilities</i>	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:			
	<i>a. Height of proposed facility</i>	-	-	The antenna would be 10 feet above the roof top and set more than 20 feet back from the building edge. The equipment cabinet would be located 5 feet above the rooftop and approximately 15 feet from the building edge. This meets all height and setback requirements under SZO Article 14.

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	<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Change / Mitigation Needed or Other Comments</i>
	<i>b. Proximity of facility to residential structures and zoning districts</i>	-	-	This facility would be on a building that is approximately 250 feet from the nearest residential structure. The residential uses in the area are located across Fellsway West and the intersection of several roads which creates a substantial barrier and separation between the areas. The proposed equipment and antenna location would only be slightly visible from the residential area and the change from existing conditions would not be noticeable unless specifically sought out.
	<i>c. Nature of uses on adjacent and nearby properties</i>	-	-	Surrounding properties are predominantly commercial and industrial in nature. Existing antennas on the rooftop of this structure, which have been treated and located in a similar fashion to the proposal, do not have an adverse affect on nearby properties.
	<i>d. Surrounding topography and prominence of proposed facility</i>	-	-	The La Quinta Hotel is a prominent building due its height and location. However, the antenna and equipment box will not be prominent because of their small size and conditioned screening techniques. In addition, the building's height will minimize the visual impact to lower structures and to the street.
	<i>e. Surrounding tree cover and foliage</i>	-	-	Due to the height of the installation, tree cover would not be effective for shielding the facility.
	<i>f. Design of tower, to reduce or eliminate visual obtrusiveness</i>	-	-	Though the proposed rooftop antenna is visible from several vantage points, the proposal to match them to the color of the building will reduce their prominence from any public way.
	<i>g. Location of tower, considering more suitable locations</i>	-	-	See section 3(d) and 5(j)
	<i>h. Proposed ingress and egress</i>	-	-	Ingress and egress to the site will be at the existing curb cut for the property and use existing parking and circulation patterns.
	<i>i. Distance from existing facilities</i>	-	-	See attached site maps.

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	<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Change / Mitigation Needed or Other Comments</i>
	<i>j. Availability of suitable existing towers, poles, other structures, or alternative technologies (demonstration of need)</i>	-	-	<p>FiberTower utilizes a "point-to-point" form of technology as opposed to a broadcast coverage area. The applicant has stated that FiberTower is proposing to co-locate on an existing telecommunications site that will satisfy the desired line of sight coverage for their network.</p> <p>The site is appropriate due to the existing use of the property for wireless communications use and the location and overall height of the property, which provides the opportunity for FiberTower to operate its network.</p>