



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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Case #: ZBA 2011-07
Date: February 17, 2011
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 425 Broadway

Applicant Name: New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility
Applicant Address: 550 Cochituate Road, Framingham, MA 01701
Property Owner Name: Summit Holding, Inc. c/o Chatham Management
Property Owner Address: 176 Federal Street, Boston, MA 02110
Agent Name: Matt McQuaid, SAI Communications
Agent Address: 11 Taylor Road, North Reading, MA 01864
Alderman: Sean O'Donovan

Legal Notice: The Applicant seeks Special Permit Approval under SZO §7.11.15.3 and SZO §14 for the installation of a wireless communications facility consisting of three panel antennas and related equipment and cables.

Zoning District/Ward: RC / Ward 5

Zoning Approval Sought: Special Permit (SZO §7.11.15.3 and SZO §14)

Date of Application: December 30, 2010

Dates of Public Meeting • Hearing: Planning Board **2/3/11** • Zoning Board of Appeals **2/16/11**

Dear ZBA members:

At its regular meeting on February 17, 2011 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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I. PROJECT DESCRIPTION

1. Subject Property: The 425 Broadway property is an approximately 11,850 square foot lot. On the property is an eight story brick apartment building, which is approximately 68 ft in height to the rooftop. A number of telecommunications carriers have antennas and associated equipment on the roof, including some rather large equipment that has been in place on the roof since the late 1980's.

The Planning Board understands that there have been significant concerns about the existing antenna installations at this property. Planning Staff undertook a significant review of the permit history and was able to conclude that permits were granted as follows:

- June 1989: Special Permit for NYNEX Mobile Communications for renovation of an equipment room in this building and for installation of a fifteen foot high antenna on the roof. This is one of the tallest structures on the roof today, and it is actually mounted above the penthouse, not above the taller roofline, as it appears to have been advertised. This results in a structure that is higher than advertised. While advertised as a single antenna, this installation is an antenna array. It should be noted that this application was completed prior to the current Telecommunications Ordinance, and therefore had much simpler submittal requirements. This equipment is now operated by Verizon wireless.
- December 1994: Special Permit to install twelve 10 foot by 4 foot rectangular panel antennas, not to exceed the height of the 1989 NYNEX antenna.
- March 1995: Revision to cable enclosures.
- October 1996: Installation of three 8 foot high antenna arrays on the roof. Noted that these would be seven feet lower than the existing NYNEX panel.
- January 1997: Revision to 1996 approval to relocate two panel systems.
- A late 1997 application was not accepted because of an ongoing moratorium on antennas, and a proposed 2004 amendment was denied because the project changes were not considered minor.
- October 2010: Installation of three dish antennae to the existing arrays by Clearwire.

After this review, Planning Staff concluded that most of the equipment on the roof can be tied to specific Special Permits granted by the ZBA. Nonetheless, it appears that there is one large dish antenna on the roof that is not tied to one of these permits. It is possible that the owner of this antenna believes that the 1989 Special Permit granted permission to install the dish, but that remains unclear. In the past Staff has consulted with two professionals who permit cellular installations and they were able to conclude that the dish is connected to Verizon's current installation. Staff has been working to contact Verizon for updated information about the status of the permitting for this dish, as well as a discussion about the high roof antenna array. If it were possible to provide the same service with a smaller installation on this roof, Staff would work with Verizon to modify this installation.

Based upon this history, it appears that all equipment installed by Sprint and AT&T remains on the roof as advertised.

2. Proposal: The Applicant is proposing to install three panel antennas, one per sector, and associated equipment and cables on the rooftop of 425 Broadway. The antennas will be mounted to the existing two antenna frames on the rooftop of the building and can be painted any color desired to match and blend with the building. One of each of the three antennas will be installed in between each of the Applicant's existing pairs of antennas at the site. It should also be noted that three sets of rrh and surge arrestors would be installed on the antenna frames below the antennas. All cabling will run along the surface of the roof and will not be visible. The electronic equipment will be located inside the interior existing equipment room located on the first floor of the building.

3. Nature of Application: Under SZO §7.11.15.3 establishment of a wireless communications facility requires a Special Permit.
4. Surrounding Neighborhood: The surrounding neighborhood is a mix of residential and commercial uses, though primarily residential. The subject property is approximately 1,200 feet east of Magoun Square.
5. Green Building Practices: None indicated.
6. Comments:

Fire Prevention: Have been notified and are awaiting comments.

Ward Alderman: Alderman O'Donovan stated in an email to Staff that he is opposed to the project.

Lights & Lines/Highway: Have been notified and are awaiting comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 and §14):

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 Board 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."

The Board finds that minimal harm would be imposed upon the health, safety and welfare of the surrounding neighborhood. New Cingular Wireless PCS, LLC d/b/a AT&T Mobility is a FCC licensed company that is required to comply with all state and federal regulations.

Review Criteria for Telecommunications Facilities:

- a) *Height of proposed facility:* The base of the building to the top roof beam is 68 feet and the height to the top of the proposed antennas is 77 feet. The highest antennas on the site are and additional ten feet higher approximately. This building is the tallest in the surrounding area and it sits on an area of high elevation as well.
- b) *Proximity of facility to residential structures and residential zoning districts:* The building at 425 Broadway is a residential structure in Residence C district. Other residential structures directly abut this property. The Board finds that several companies currently have wireless communications equipment on this structure, as well as the nearby 391 Broadway. Additional

equipment would have limited impact on the surrounding residential structures. This project would have much greater impact if installed at a location without existing equipment.

- c) *Nature of uses on adjacent and nearby properties:* The site is located in a Residence C district. The surrounding neighborhood is a mix of residential and commercial uses, though primarily residential. The proposed installation will not generate any objectionable odor, fumes, glare, smoke, or dust nor require additional lighting or signage. Noise from the equipment will be minimal and should not be heard beyond the confines of the property where it will be placed. No increased traffic or hindrance to pedestrian movements will result from the proposed installation either. Furthermore, in connection with its FCC license, AT&T is prohibited from interfering with radio or television transmissions.
- d) *Surrounding topography and prominence of proposed facility:* The building is the tallest in the area and it sits on area of high elevation. This is why it is appealing to cellular companies. The proposed rooftop antennas are visible from several vantage points, but no more so than the existing array already on the building
- e) *Surrounding tree cover and foliage:* The building upon which the proposed antennas will sit is taller than all trees in the surrounding area and therefore no interference is anticipated with regard to the projection required for the antennas.
- 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 antennas will be mounted to the existing two antenna frames on the rooftop of the building and will be situated at the same height as the existing antennas on the mounting frame. The antennas can also be painted any color desired to help camouflage them. All cabling will run along the surface of the roof and will not be visible. The electronic equipment will be located inside the interior existing equipment room located on the first floor of the building.
- g) *Location of tower, with particular reference to the existence of more suitable locations, as specified in Section 14.3:* The application is in compliance with this review criterion. The Applicant is proposing to locate the antennas on an existing wireless telecommunications facility. The elevation and height of the building at this site make it a very attractive location for wireless installations. The antennas can be painted any color desired for camouflage and they will not be taller than the existing antennas situated on the mounting frame, therefore not impacting the viewshed of the area.
- h) *Proposed ingress and egress:* There is existing access to the roof and equipment on the roof via one penthouse stairwell in the building.
- i) *Distance from existing facilities:* The accompanying map shows the locations of other existing AT&T antennas in Somerville.
- j) *Availability of suitable existing towers, poles, other structures, or alternative technologies, as discussed in Section 14.5.2: Section 14.5.2 states that no new sites for telecommunications facilities shall be permitted unless the Applicant demonstrates that existing sites cannot meet the Applicant's need:* The site where the Applicant is proposing to install the three new antennas is currently operating as a wireless telecommunications facility.

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 Board finds that the proposal, as conditioned, **is consistent** with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting “the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.”

The Board also finds that the proposal, as conditioned, **is consistent** with the purposes established for the Residence C (RC) district in which the property is located, namely, “To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.” The Board finds the addition of the antennas and associated equipment, as conditioned, will not negatively impact the local neighborhood uses in the area.

Furthermore, the Board 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.”

The Board finds the project and the way the equipment is designed to be compatible with the surrounding area and land uses. The antennas will be mounted to the existing two antenna frames on the rooftop of the building and can be painted any color desired to match and blend with the building. One of each of the three antennas will be installed in between each of the Applicant’s existing pairs of antennas at the site. It should also be noted that three sets of rrh and surge arrestors would be installed on the antenna frames below the antennas. All cabling will run along the surface of the roof and will not be visible. The

electronic equipment will be located inside the interior existing equipment room located on the first floor of the building. Photo simulations were taken from a variety of locations in the neighborhood and they indicate there will be limited impact of the installation on the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

The proposed installation will not generate any glare, light, smoke, dust, or vibrations nor will it emit any noxious or hazardous materials or substances. Noise from the equipment will be minimal and should not be heard beyond the confines of the property where it will be placed. The proposed installation will be located on an existing building and therefore no pollution of waterways or ground water will occur. Additionally, the proposed installation will not be tied into any public sewer or private wastewater disposal system. In connection with its FCC license, AT&T is prohibited from interfering with radio or television transmissions and furthermore, these transmissions function at different frequencies than those licensed to AT&T for the proposed telecommunications equipment.

III. RECOMMENDATION

Special Permit under SZO §7.11.15.3 and §14

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**. Furthermore, the Planning Board recommends the following conditions.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the installation of a wireless communications facility under SZO §7.11.15.3 and SZO §14 consisting of three panel antennas and related equipment and cables. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP	Png.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 28, 2010 (December 30, 2010)</td><td>Initial application, submitted to the City Clerk's Office</td></tr><tr><td>November 22, 2010 (February 17, 2011)</td><td>Photographs and photo simulations submitted with application</td></tr><tr><td>December 15, 2010 (February 17, 2011)</td><td>Plans and elevations submitted with application</td></tr></table>				Date (Stamp Date)	Submission	December 28, 2010 (December 30, 2010)	Initial application, submitted to the City Clerk's Office	November 22, 2010 (February 17, 2011)	Photographs and photo simulations submitted with application	December 15, 2010 (February 17, 2011)	Plans and elevations submitted with application
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	December 15, 2010 (February 17, 2011)				Plans and elevations submitted with application							
Any changes to the approved site plan, photograph simulations, and/or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The antennas shall be painted to match the color of the antennae frame to which they are attached.	CO	Png.									
3	<i>Compliance with Noise Control Ordinance.</i> Prior to the	Continued	ISD									

	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.			
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 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	
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.	Continued	ISD	
6	The applicant shall remove any of that carrier's unused or non-operating wireless equipment prior to installation.	BP	Plng.	
7	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	Final inspection	DPW	
8	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	

9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.	
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Sincerely,



Elizabeth Moroney
Acting Chair

Cc: Agent: John Lawrence



425 Broadway

AT&T Somerville Existing and Proposed sites

MA2231

425 Broadway
Somerville Ma 02145
Rooftop Installation

MA2130

Ciampa Manor
Somerville Housing Authority
27 College Avenue
Somerville Ma 02144
Rooftop Installation

MA2027

Somerville Hospital
93 Highland Avenue
Somerville MA 02143
Rooftop Installation

MA2085

Somerville Housing Authority
252 Medford Street
Somerville Ma 02143
Rooftop Installation

MA2242

Danvers Land Associates
25 Webster Court
Somerville Ma 02243
Rooftop Installation

MA0709

Beacon Associates
175 Beacon Street
Somerville Ma 022
Proposed Rooftop Installation



AT&T Sites in Somerville Existing & Proposed

